

Panhandle Energy comprised of
Trunkline Gas Company
Sea Robin Pipeline Company
RIN 1010-AD11
March 14, 2008

**Response to
Notice of Proposed Rulemaking:
Minerals Management Service (MMS)
Federal Register of October 3, 2007
30 CFR Parts 250, 253, 254, and 256
RIN 1010-AD11**

**Panhandle Energy (PE)
March 14, 2008**

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EXECUTIVE SUMMARY

Background

The Federal Register of October 3, 2007 contained a Proposed Rule for “Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Pipelines and Pipeline Rights-of-Way”. The proposed rule completely revises the MMS Outer Continental Shelf (OCS) pipeline and rights-of-way (ROW) regulations and brings them up to date with current industry practices and technology. The proposed rule incorporates parts of several new and revised industry standards into regulations. It also incorporates several conditions of approval for pipelines, plus guidance from various Notices to Lessees and Operators (NTL’s). The proposed regulations would eliminate several NTL’s.

There are approximately 14,000 miles of pipelines in the OCS that are managed in accordance with the DOT pipeline safety regulations for design, construction, operation and maintenance. This represents approximately 42% of the 33,000 miles of pipeline in the Gulf of Mexico.

Issues of the Proposed Rule

The new regulations are significant and lengthy. They add several new and costly requirements for both Lease Holder pipelines and ROW pipelines. ROW pipelines are operated under the jurisdiction of DOT for design, construction, operations and maintenance. Lease holder pipelines are operated under the jurisdiction of DOI for these same areas.

The new regulations, as proposed, eliminate the boundary for jurisdiction as previously agreed to in a Memorandum of understanding dated December 10, 1996.

The major issues are discussed in more detail below:

DOT/MMS Differences

DOT regulated transportation operators are subject to the MMS Part 250, Subpart J requirements governing right of way grants and decommissioning activities. DOT 192 operators who transport varying amounts of condensate in natural gas pipelines are also subject to the MMS spill prevention and response requirements as outlined in 30 CFR 254. MMS believes the prevention provision allows imposition of additional MMS O&M requirements of any kind. The DOT regulations are clearly designed to protect the public and environment. MMS prevention authority should be logically viewed the same as onshore OPA 90 prevention authority for pipelines crossing lakes, rivers, etc.

DOT rules are tailored to transportation facilities, while MMS rules have been tailored to production facilities. Production facilities are much more complicated in their design and operation, which deserves more prescriptive oversight. DOT facilities fundamentally operate offshore the same as onshore and don’t require a separate more stringent set of rules already

covered under DOT. The safety of DOT offshore facilities have historically performed very well without the need or justification for new regulations.

The reference to all pipelines in the Regulatory Flexibility Act paragraph raises the question about the intended scope of the proposed rule:

The Department certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 et seq.). A regulatory flexibility analysis is not required.

This proposed rule applies to all lessees, designated lease operators, and pipeline ROW holders operating on the OCS. Lessees/operators are classified under the Small Business Administration's North American Industry Classification System (NAICS) code 211111, Crude Petroleum and Natural Gas Extraction. Under this NAICS code, companies with fewer than 500 employees are considered small businesses. MMS estimates that 130 lessees/operators explore for and produce oil and gas on the OCS. Approximately 70 percent of them (91 companies) fall into the small business category¹.

NPRM Violates Terms of the MOU

The new MMS proposed rule violates the terms of the DOI/DOT MOU. The details of why the MOU was created in 1976 and updated in 1996 is discussed in detail in these comments below.

The MOU was designed to accomplish the primary goals of establishing a jurisdictional boundary and avoid duplicative regulations. The proposed rule violates both of these goals and also indicates the MOU was designed with the flexibility to allow the new authority in the proposed rule. The MOU and regulations that implement it, include explanations which directly conflict with MMS interpretation of flexibility.

MMS Oversight of other Laws/Acts

MMS' believes that varying degrees of authority over the laws, conditions, and stipulations below support MMS oversight of certain activities currently under DOT, which would also supposedly be more efficient under MMS regulatory oversight. MMS embellishes its related authority over these laws in order to obtain control over DOT activities it doesn't have or need. Those laws are discussed in these comments and include:

- OCS Lands Act (OCSLA), as amended
- National Environmental Policy Act (NEPA)

¹ Fed Reg. Vol. 72 No. 191, October 3, 2007.

- Coastal Zone Management Act (CZMA)
- Oil Pollution Act of 1990 (OPA 90)
- Federal Water Pollution Control Act (FWPCA)
- Applicable implementing regulations
- Approved applications
- Development Operations Coordination Documents (DOCD)
- Development and Production Plans (DPP)
- Lease provisions and stipulations

The NPRM Exceeds DOI Legal Authority

The Department of Interior is expressly prohibited from affecting the authority provided by Law to the Secretary of Transportation with respect to Pipeline Safety by 43 USC 1347(d) and is charged with consulting with other departments to prevent inconsistent or duplicate requirements in 43 USC 1347(f). 43 USC 1348 (a) makes clear that the Secretary can only enforce regulations promulgated "...pursuant to this subchapter." To the extent the new rules exceed the authority granted to the Secretary, they may not be enforced.

An example of this stretch of MMS authority is where the new rules intrude on the authority and jurisdiction of both the Department of Transportation, and the Federal Energy Regulatory Commission and the Natural Gas Act, in violation of 43 USC 1334 (f)(4). By usurping authority to declare forfeit and expired a pipeline right of way grant supporting a pipeline subject to the Natural Gas Act and the Federal Energy Regulatory Commission, the new rules in effect abrogate the abandonment authority under the Natural Gas Act that is the exclusive province of FERC.

The new rules create, for the first time, the threat that a pipeline right of way grant may be terminated, at the sole discretion of MMS, because of a temporary interruption of gas flow. This contravenes the due process protections found in 43 USC 1334 (e).

To the extent the new rules threaten the continuing viability of existing right of way grants because of a temporary cessation of gas flow, they are inconsistent with the Congressional declaration of policy [see 43 USC 1332 (3)] favoring expeditious and orderly development of energy resources in the outer continental shelf. It is axiomatic that the needless elimination of necessary transportation options would negatively impact the development of natural resources.

To the extent the rules contemplate the termination of rights of way grants and the decommissioning of pipelines that retain economic and developmental utility, the new rules have the effect of requiring new pipelines to be installed in new rights of way grants which would do no more than replace those pipelines which by MMS regulation were taken out of service before there was practical justification to do so. This would have a negative environmental impact on the outer continental shelf and would thus make more likely the very circumstances that Congress has declared should be avoided [see 43 USC 1332 (6)

A failure to comply with regulations validly promulgated under these limitations of authority do, by this statute, result in forfeiture of the grant; but only after a hearing before a United States district court. The proposed regulations exceed the authority granted to the Secretary by this statute in that they intrude into areas not reserved to the Secretary; and they deprive right of way grant holders of the due process they can find before a federal judge. [see also 43 USC 1349 (b)]²

Applicability of NTL's

The majority of transportation operators have never accepted MMS published NTL's that pertain to activities that conflict with the MOU or other applicable statutes and regulations, except for those that are considered useful guidance. However, MMS has misrepresented the NTL's in the NPRM as recognized and accepted practices that operators already agree with. MMS has misrepresented published NTL's regarding the applicability of NTL's that overlap with DOT requirements by indicating they apply to all lease term and right of way holders. This practice has gone unchecked because MMS does not apply formal penalties to operators who don't comply. MMS does have O&M jurisdiction over the right of way holders (typically producers who happen to operate ROW pipelines in addition to production lines) who have chosen to be under MMS as allowed under the MOU. They have used this explanation when NTL's have proven to be over reaching by disgruntled operators. DOT has never challenged the NTL's that clearly intend to apply overreaching authority.

The intent of NTL's is to provide interpretation and clarification of MMS rules as they are applicable to the appropriate identified constituency. MMS has used the NTL's as a tool to impose inapplicable regulations on DOT operators.

National Security

In the NPRM, MMS has introduced the concern of national security over all OCS pipelines as further justification for unilateral jurisdiction, even though security matters are already addressed

² The authority granted to the Secretary of the Interior to prescribe rules and regulations is circumscribed by 43 USC 1334 (e). That section gives the Secretary the authority to grant rights of way:

- For pipeline purposes for the transportation of natural gas [and other substances] **or**
- Under such regulations as may be prescribed by the Secretary, or where appropriate the Secretary of Transportation.
- Including assuring maximum environmental protection by using safe technologies...including safe practices for pipeline burial...

by USCG and DOT. MMS considers most every pipeline and platform critical infrastructure, which is contrary to USCG and DOT rationale and reasonable requirements. For example, USCG considers a platform with 200 MMcfd flow rate as subject to special security regulations while MMS considers platforms with 75 MMcfd as critical.

Platform Jurisdiction

A pipeline facility, as used in the safety standards under 49 CFR Part 192, includes "new and existing pipe rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation". Offshore platforms are equipment used to structurally support, operate, and maintain offshore pipelines and therefore are "used in the transportation of gas." Thus, they are included in the definition of "pipeline facilities." Part 192 does not contain standards that are specifically applicable to platforms; however, if the equipment is used in the transportation of gas by pipeline, it would have to meet applicable Part 192 regulations that govern pipeline facilities in general. Companies follow the design and construction standards of ASME B31.8 and the industry standard inspection and maintenance requirements under API RP 2A, which meets the performance based standards of DOT 192.

Platforms (design, construction, operation and maintenance of) in offshore state waters are clearly under DOT jurisdiction. The fundamental pipeline safety regulations applicable to DOT pipelines do not change when crossing into federal waters. MMS rules would require certain unmanned platforms with high flow rates to be re-designed and modified to meet the modern design standards, in spite of the fact that no L-1 platforms were destroyed or damaged in Hurricanes Katrina or Rita, the worst offshore disasters in recorded history.

Impact of the Proposed Rule

Within the details of the proposed rule are many requirements for the design, construction, operation and maintenance of pipelines. These new requirements, for both DOT and MMS pipelines include requirements for:

- Operations and Maintenance manuals that comply with MMS regulations
- Risk Based Integrity Management Plan for all OCS pipelines
- Emergency Plan for OCS pipelines
- Operator Qualification Program
- Pressure Testing in accordance with API 1111 rather than DOT requirements
- Cathodic protection in accordance with DNV (German) standards rather than DOT requirements
- Requirements for leak detection systems
- Requirements for internal corrosion and flow assurance
- Structural review and EIS for repairs and modifications
- In-line inspection following a storm
- ROW fees to be raised from \$15/mile to \$70 per mile and increasing to \$120 per mile

- ROW platforms considered critical infrastructure to comply with MMS Subpart I requirements and MMS review of designs
- Burying of pipelines in certain water depths

Evidence of the intent of MMS is captured in the following statement taken from a technical report they sponsored titled “A Guideline Framework for the Integrity Assessment of Offshore Pipelines”, Technical Report 44811520.

0.1 Objective

Pipeline infrastructure is a critical element in the energy delivery system across the United States. Its failure can affect both public health and safety directly and indirectly through impacts on the energy supply. There are over 20,000 miles of pipelines in the GOM infrastructure that currently service and transport about one-third of U.S. domestically produced oil and gas. Some lines remain in operation after 40 years of service and beyond their anticipated service life.

The Minerals Management Service (MMS) remains attentive to the need to ensure continued pipeline operations and protection of the environment and plans to develop guidelines for the integrity management of piggable and non-piggable subsea pipelines. The guidelines shall apply to all pipelines in the Gulf of Mexico regulated by either the Minerals Management Service (MMS) or the Department of Transportation (DOT). DNV was contracted to study the issue and propose a framework for a future guideline.

The cost for these changes has been estimated by INGAA members, including PE, to be \$1.07 billion per year over the next ten years and a one time cost of \$162 million to develop the required programs. MMS considers the cost to not be “significant” under Executive Order 12866 meaning the total cost will be less than \$100 million. Anticipated costs are included in the proposed rule; however these cost are not representative of the expected costs as developed by INGAA (See Cost Benefit section of this paper). PE believes these expected costs to be representative of the Industry and are consistent with PE’s experience.

As a point of reference, the DOT integrity management regulation had an expected cost of \$10.3 billion over 20 years and was applicable to approximately 21,000 miles of HCA pipelines. There are approximately 14,000 miles of DOT jurisdictional pipeline in the Gulf of Mexico. Using a simple ratio based on mileage, the cost for the integrity program would be \$6.8 billion (14,000/21,000 miles times \$10.3 billion). Although this comparison is for illustrative purposes only, it is easy to see this requirement will be costly to comply with. New valve platforms would need to be installed to launch and receive smart pigs for all interconnects.

There were approximately 43 leaks offshore recorded in 2006 for the 14,000 miles of DOT jurisdictional pipeline for a leak rate of 3.1 per thousand miles. The leak rate onshore for 2006 was 9.3 per thousand miles. The DOT integrity rule is targeted at protecting the general public. In the last 10 years, there have zero (0) offshore gas transportation fatalities or injures. There is no public to protect offshore. The rule is not needed and would be extremely costly.

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Summary

The new regulations are not needed for DOT jurisdictional pipelines because safety requirements are adequately covered by DOT regulations. The administrative and capital costs burdens would be significant. Hopefully, MMS did not intend to apply the whole proposed rule to DOT pipelines but this oversight needs to be corrected.

INTENT OF THE PROPOSED REGULATIONS

The intent of the MMS Notice of Proposed Regulation (NOPR) is unclear as to how it applies to natural gas transmission and gathering offshore pipelines. PE could construe from the NOPR that the MMS is asserting this rule applies to all DOT pipelines for all aspects of the rule. It also seems the MMS is asserting that they have safety jurisdiction over DOT pipelines. If these two assertions are the intent of MMS in this NOPR, then PE disagrees with these assertions.

Clarification Points

The NOPR language is unclear and confusing as to MMS's intent. Parts of the proposed regulation seem to be clear while others are unclear as to what is intended to apply to whom.

- In 250.1003 the NOPR reads:

“Which departments have jurisdiction over OCS pipelines?

An OCS pipeline is under the jurisdiction of either the Department of Interior (DOI) or the Department of Transportation (DOT).”

- In 250.1004 the NOPR reads:

“What are the criteria for determining jurisdiction?

- (a) DOI jurisdiction criteria. An OCS pipeline is under DOI jurisdiction if it is:
 - (1) A lease term pipeline that is not subject to regulation under 49CFR, parts 192 and 195, and does not cross into State waters; or
 - (2) An ROW pipeline that is operated by an identified pipeline operator (the person or entity identified by the pipeline ROW holder as authorized to control or manage the pipeline's operations), and that is either:
 - (i) A producing pipeline operator (the identified pipeline operator of an ROW pipeline that is a lessee or designated lease operator of one or more OCS leases), unless it is subject to regulation under 49 CFR, parts 192 and 195, and crosses into State water or:

- (ii) A transporting pipeline operator (the identified operator of an ROW pipeline that is not a lessee or designated lease operator of an OCS lease), and the pipeline is not subject to regulation under 49 CFR, parts 192 and 195.
- (b) DOT jurisdiction criteria. An OCS pipeline that is not under DOI jurisdiction (see paragraph (a) of this section) is under DOT jurisdiction.
- (c) Jurisdiction transfer. You may request that a pipeline under DOI jurisdiction be transferred to DOT jurisdiction, or that a pipeline under DOT jurisdiction be transferred to DOI jurisdiction, by submitting a written petition of approval to the Regional Supervisor and DOT Office of Pipeline Safety (OPS) Regional Director. In the petition, you must provide sufficient justification for the transfer. The Regional Supervisor and the DOT OPS Regional Director will decide jointly whether to approve the petition.

PE believes the language mentioned above is clear as to jurisdictional boundaries between DOI and DOT. Furthermore, in 1996, DOI and DOT entered into a Memorandum of Understanding (MOU) to further delineate areas of responsibility and to reduce the burden of overlapping jurisdictions and inconsistencies between agency requirements. PE understands that the 1996 MOU is still in place and has not been modified or renegotiated by DOI and DOT.

Given the clear and unambiguous language in 250.1003 and 250.1004, PE believes the subsequent language in the NOPR is intended to apply to DOI, not DOT, pipelines, unless DOT pipelines are explicitly mentioned. PE would like the MMS to clarify the language specifically in 250.1006 which reads:

- *“When must I submit the applications, requests, plans, and reports, and make the notifications required by this subpart?
(a) Applications and requests. For all OCS pipelines you must submit applications to MMS, and receive approvals, according to the following table:*

In paragraph (a), PE would like to know which pipelines do the word “all OCS pipelines” refer to - DOI pipelines only or both DOI and DOT pipelines? PE believes the wording should say “all DOI OCS pipelines.” This wording would be consistent with the definitions mentioned in only a few paragraphs, 250.1003 and 250.1004, earlier in the NOPR.

If it is the intent of MMS to apply the definition of “all” to DOT pipelines as well as DOI pipelines, PE would like an explanation as to why the MMS believes this broader application is justified, necessary, and within their jurisdiction. More specifically, what specific gas pipeline transmission problems is MMS attempting to rectify in this NOPR that aren't being adequately addressed today by the DOT or DOI?

The NOPR is broadly targeted at three critical areas: safety, reliability, and environmental. PE agrees these areas are important to the industry, customers, general public, and regulators. With this in mind, PE would like to know specifically where MMS believes the industry is falling short of expectations in these areas. If the gas transportation industry is in fact failing in this area, PE is requesting the MMS to show all data it has indicating natural gas transmission industry offshore issues, or lack of performance, in these three areas or any other areas.

PE believes the natural gas transmission industry's offshore performance in these three critical areas is very good as shown in the following analysis. PE also believes the current regulatory oversight it receives from PHMSA is working effectively and the NOPR, if it is intended to be applied to DOT pipelines is unnecessary, confusing, vague, costly, and duplicative.

Analysis

Safety

PE is strongly committed to pipeline safety both onshore and offshore. The industry spends hundreds of millions of dollars annually in the safety area. The gas industry's safety programs are well developed and often performance based using risk models. Below is a chart pulled from the PHMSA website showing the number of serious gas transmission offshore pipeline incidents from 1996 to 2007.

1996 – 2007 Gas Transmission Offshore Serious Pipeline Incidents (Fatalities and Injuries)

Year	Incidents
1996	0
1997	0
1998	0
1999	0
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	0
2007	<u>0</u>
Total	0

PE is very proud of its safety program and safety is an integral part of our engineering standards and operating/maintenance practices. PE believes DOT provides appropriate safety regulations and oversight for offshore operations. PE would be interested in knowing how the MMS safety requirements will improve our safety performance. The NOPR would require suspension of operations and burdensome MMS notifications, approvals, and repair applications which PE views as unnecessary, burdensome, and impacting deliverability, and, hence, reliability.

Reliability

PE agrees with the INGAA position that the reliability of the offshore natural gas transmission system is a high priority. Since 27% of the United States natural gas supply comes from offshore, it is critical that these pipelines are operated and maintained to provide a reliable pipeline system. There are approximately 14,000 miles of offshore gas pipelines which have a large number of both operational and emergency interconnects. The extensive offshore infrastructure provides for a very robust and reliable transportation system. Should an outage or delivery issue occur, most companies can do quick work-arounds until the problem is fixed or work in concert with other suppliers and transporters to arrange gas from other sources until a problem is repaired.

The offshore environment is a harsh and difficult environment in which to operate due to storms, salt water, heat and humidity, transportation logistics, hurricanes, and ship traffic to name a few of the challenges. Despite these challenges, PE believes the industry performs admirably during both normal conditions and in extreme conditions such as hurricanes.

Below is a chart from PHSMA’s website showing the number of significant incidents from 1987 – 2006 for the offshore natural gas transmission industry by category compared to all the nation’s pipeline systems.

**1988 – 2007 DOT
 Significant Pipeline Incidents**

Category	All Pipelines	Gas Offshore Transmission	Off shore as % of All Pipelines
Corrosion	1,037	88	8.4
Excavation	1,522	35	2.3
Human Error	301	1	0.3
Material Failure	872	33	3.8
Natural Forces	476	48	10.1
Outside Force Damage	192	16	8.3
All Other Causes	1,330	22	1.7
Total	5,730	243	4.2%

PHMSA defines a significant incident for gas pipelines as an incident with a fatality or injury requiring in-patient hospitalization, \$50,000 or more in total costs, highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more, and liquid releases resulting in an unintentional fire or explosion. The chart shows that the offshore natural gas industry has had 243 significant incidents in the last 20 years for an average of 12.1 incidents per year which accounted for only 4.2% of all pipeline significant incidents. Of these 243, incidents almost two-thirds were caused by events beyond the control of the pipeline operator.

PE is continually working to address those types of incidents it can directly control, primarily corrosion and human error. INGAA companies have excellent offshore corrosion control and mitigation programs in place. Prior to 2004, corrosion was accounted for the highest number of incidents from 1997 – 2004 and in 2007. It should be noted most offshore leaks are small and quickly repaired with little if any public or environmental damage. From 1993 – 2007 the number of corrosion significant corrosion incidents was less than 12 each year (except 2004) and averaged only 4.4 incidents/year. Many of the corrosion incidents are reportable because of the high costs of repair and the high cost of natural gas lost while leaking plus the gas lost blowing down a segment of pipe, when necessary, to repair the leak in addition to the higher cost to operate in the offshore arena.

In 2005 and 2006, natural forces and all other causes, respectively, accounted for the most number of significant offshore incidents largely due to Hurricanes Rita and Katrina. The offshore energy infrastructure, including the natural gas transmission systems, was tested as never before during hurricanes Katrina and Rita. Despite unprecedented damage in what is recognized as the nation's worst natural disaster in recent history, natural gas customers' experienced minimal supply disruptions due to industry operational work arounds and sourcing supply from other basins.

Many of the changes in the NOPR, it is assumed, are targeted at design changes as well as repair changes to improve reliability and/or safety. However, despite the level of damage and impact caused by Hurricanes Katrina and Rita to the offshore infrastructure a Technical Report (#44814184) issued on January 22, 2007 by DNV for its client, the MMS states in its Conclusions:

“The conclusions reached during the performance of the study of the pipeline damage reports generated as a result of Hurricanes Katrina and Rita is that by and large, the pipelines are performing very well during Hurricane events, and that design code changes are not necessary.

The majority of pipeline damage experienced after Hurricanes Katrina and Rita occurred at risers and platforms, and as a result of outside forces. These threats are best managed through damage prevention and improved performance of the associated structures, and not design code changes to the pipelines.

Therefore, it is DNV's conclusion that the vast majority of the pipelines performed very well as a

result of the hurricane forces, and pipeline damages would have been significantly reduced had there not been such significant impacts to platforms, risers, or the impact related outside force

PE does not think reburying pipelines is going to prevent hurricane damage or anchor damage and would like for the MMS to provide evidence or facts showing how reburying pipelines is going to prevent hurricane or anchor damage.

Environmental

PE along with the other INGAA companies have been and will continue to be pro-active in the environmental area with initiatives such as reducing fugitive emissions, Greenhouse gases, supporting environmental R&D, etc. Companies are continuing to work to reduce the number of leaks; however, the majority of them are caused by natural forces, other outside forces, material failures, and third party damage. Leaks due to corrosion or connections are typically small and quickly repaired with very minimal impact on the environment.

Liquid hydrocarbon leaks or spills are rare and typically result in a small sheen. Leaks and blowing down segments of the pipeline to the atmosphere do contribute to greenhouse emissions. In the last four years, total offshore gas transmission gas costs are reported to be \$17mm, the majority attributable to hurricane damage.

In 2005, the natural gas transmission industry was tested as never before in its history by Hurricanes Katrina and Rita. The two Hurricanes causes unprecedented damage to the offshore energy infrastructure. However, despite the level of damage and impact to the infrastructure a Technical Report (#44814184) issued on January 22, 2007 by DNV for its client, the MMS states in its Executive Summary:

“The impact to the environment has been minimal in hurricane events, primarily due to the design features, and industry practices intended for protection of life that are also focused on minimizing releases to the environment through planning, preparedness and response. The most significant impacts appear to have been the disruption of the oil and gas supply, and financial losses from the oil and gas infrastructure damage. While these are not desirable outcomes, the overall goal of prioritizing protection of life and the environment is clear in the demonstrated performance of the industry, meeting two of the major goals of the MMS for personal and environmental safety.”

The report states also in its conclusion:

“The minimization of environmental impacts and protection of life is an indicator of the commitment to safe operations in the GOMR and the industry. The hurricane preparedness and industry practices for response and recovery are producing the desired results”.

Assuming an average gas price of \$7 per MCF results in a total gas loss of 2.4 BCF over 4 years. This may appear high on a per mile basis compared to onshore but finding leaks, isolation, repair time and other issues negatively affect the volumes. Additionally, the lack of dive and repair vessels during Hurricanes Rita and Katrina made it difficult to find and repairs leaks quickly.

PE would like the MMS to explain how they will coordinate with other agencies that have certain offshore environmental responsibilities like NOAA and Louisiana Department of Environmental Quality.

The 1996 MOU between DOT and DOI

Many companies and government agencies use a Memorandum of Understanding (MOU) to define a relationship between departments, agencies or closely held companies. These branches of the organization fall under similar control structures but need to ensure smooth operations where there are shared resources or workflows. However, initial research tends to say that an MOU is not legally enforceable.

In 1996, DOT and DOI entered into a revised MOU to replace the pre-existing May 6, 1976 MOU governing their respective responsibilities on the OCS. The intention was expressed in the Federal Register notice of February 14, 1997:

*The MOU places, to the greatest extent practicable, producer Operated Pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.....the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.³
62 Fed Reg. No. 31 February 14, 1997.*

The 1996 MOU correctly concluded that Congress intended to avoid duplication and conflict between Federal agencies having authority to regulate pipelines on the OCS;

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS

³ The full text of the 1996 MOU is contained in Appendix A

pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS.

Below are extracts of the pertinent sections of that MOU. The complete text is contained in Appendix A of these Comments.

II Authorities Section

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline.

DOI has responsibilities for promulgating and enforcing regulations for the promotion of safe operations, protection of the environment, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). DOI also has certain responsibilities for granting rights-of-way for the construction of pipelines and associated facilities on the OCS.

III Division of Responsibilities Section

DOI will consult with DOT during the development of regulatory requirements and will send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR is published in the Federal Register. DOT will consult with DOI during the development of regulatory requirements and will send a copy of each draft NPR concerning OCS pipelines to DOI for review at least 60 days before the NPR is published in the Federal Register.

IV. Joint Responsibilities Section

DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility by facility or area by area basis. Operators may also petition DOI and DOT for exceptions to this MOU.

DOI is authorized by DOT to perform coordinated OCS platform inspection tasks.

V. Limitations Section

Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of DOT or DOI until implementing regulations are adopted.

VI. Modification Section

Either party to this agreement may propose modifications by submitting them in writing to the head of the other Department. No modification may be adopted except with the consent of both parties.

VII. Termination Section

This MOU may be terminated by either party upon 60-day written notice to the other party.

LEGAL AND STATUTORY INFORMATION

The citations to laws noted below support the position that compliance with the MOU is in accordance with Congressional intent. The following statutes have been reviewed for Congressional delegation of authority for regulating pipeline safety on the Outer Continental Shelf (OCS):

- A. DOI authority
 - 1. OCSLA
 - 2. FWPCA
 - 3. FOGRMA
 - 4. OPA
 - 5. DHS-CFAS
- B. DOT authority
 - 1. PSA
 - 2. DPA
 - 3. HMTA
- C. Other Laws
 - 1. CZMA
 - 2. NGA
 - 3. NEPA

As described below, each Federal Agency has jurisdiction over its respective designated facilities for the regulation of pipeline safety on the OCS. Review of all these statutes and regulations leads to the obvious conclusion that DOI and DOT have Federal Authority over pipeline safety as described in each agency's laws and agreements. The 1996 MOU between DOT and DOI clearly recognizes this fact, with the goal of eliminating overlapping or conflicting regulations of OPS and MMS, which is the underlying reason for establishing the MOU. There is no indication that the agreements made in the MOU have been abrogated as provided for in the language of the MOU. (See for example, Section VI, Modification and Section VII, Termination,)

Both DOT and DOI have primary authority over pipeline safety as it relates to operation of certain aspects of designated pipelines on the OCS. Recognizing this fact the two agencies have historically attempted to share the regulatory authority by Memoranda of Understanding, the most recent executed in 1996.

The discussion below is a mere snapshot of key provisions in various laws which have been reviewed while detailed descriptions of these laws are available in Appendix B.

OCSLA (The Outer Continental Shelf Lands Act , 43 USC 1341 et seq.)

OCSLA provides for regulatory authority over transportation of minerals by pipeline (which includes oil and gas). This law provides DOI (MMS) with authority to regulate safety of pipelines via the following language where the Secretary is defined as the Secretary of the

Interior. The Secretary of the Interior (Secretary) authorized the Minerals Management Service (MMS) to regulate oil, gas, and sulphur exploration, development, and production operations on the outer Continental Shelf (OCS). Under the Secretary's authority, the Director requires that all operations...

in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.

(b) Conform to sound conservation practice to preserve, protect, and develop mineral resources of the OCS to:

- (1) Make resources available to meet the Nation's energy needs;*
- (2) Balance orderly energy resource development with protection of the human, marine, and coastal environments;*
- (3) Ensure the public receives a fair and equitable return on the resources of the OCS;*
- (4) Preserve and maintain free enterprise competition; and*
- (5) Minimize or eliminate conflicts between the exploration, development, and production of oil and natural gas and the recovery of other resources.*

d) Application of other laws

Nothing in this subchapter shall affect the authority provided by law to the Secretary of Labor for the protection of occupational safety and health, the authority provided by law to the Administrator of the Environmental Protection Agency for the protection of the environment, or the authority provided by law to the Secretary of Transportation with respect to pipeline safety.

(f) Coordination and consultation with Federal departments and agencies; availability to interested persons of compilation of safety regulations

(I) In administering the provisions of this section, the Secretary shall consult and coordinate with the heads of other appropriate Federal departments and agencies for purposes of assuring that, to the maximum extent practicable, inconsistent or duplicative requirements are not imposed.

Federal Water Pollution Control Act (FWPCA) (33 U.S.C § 1251 et seq.)

The FWPCA does not directly authorize the regulation of operations. A review of the FWPCA indicates that DOI did not get involved with the Act until 1966 and that the EPA and the States have the primary responsibility for enforcing this law. The term OCS is not even mentioned in the amendments so far reviewed.

The 1966 amendments (P.L. 89-753), entitled the Clean Water Restoration Act of 1966, authorized the Secretary of Interior, in cooperation with the Secretary of

Agriculture and the Water Resources Council, to conduct a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the U.S. on fish and wildlife, sport and commercial fishing, recreation, water supply and power, and other specified uses (33 U.S.C. 466). The study report, due to the Congress three years following enactment, was to contain: 1) an analysis of the importance to estuaries to the economic and social well-being of the U.S. and of the effects of pollution upon the use and enjoyment of the estuaries; 2) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the nation; 3) recommendations for a comprehensive national program for the preservation, study, use and development of estuaries, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Oil Pollution Act of 1990 (OPA)

The OPA is an amendment to the FWPCA which addresses responsive action to spills involving oil.

TITLE 33 > CHAPTER 40 > SUBCHAPTER I > § 2701

§ 2701. Definitions: For the purposes of this Act, the term—

(6) “*deepwater port*” is a facility licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524);

(7) “*discharge*” means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

*****;

(9) “*facility*” means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes;

(11) “*Fund*” means the Oil Spill Liability Trust Fund, established by section 9509 of title 26;

(16) “*lessee*” means a person holding a leasehold interest in an oil or gas lease on lands beneath navigable waters (as that term is defined in section 1301 (a) of title 43) or on submerged lands of the Outer Continental Shelf, granted or maintained under applicable State law or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(22) “*offshore facility*” means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(23) "oil" means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act [42 U.S.C. 9601 et seq.];

The OPA is targeted toward responses to oil spills. It refers to the Comprehensive Environmental Response and Compensation Act (CERCLA) and is concerned with oil pollution liability and compensation. Accordingly, the OPA does not prescribe regulations for the operation of pipeline facilities. Its purpose was to amend the FWPCA in response to the Alaska Valdez oil spill. Because it amended the FWPCA, any regulations over operations of oil (or gas) facilities would be governed by the FWPCA discussed above. MMS does require spill response plans to be approved by MMS in 30 CFR Part 254 (Oil Spill Response). It does not however, provide for any operational requirements for offshore facilities because the OPA is only focused on emergency response and spill prevention and response.

To implement the amendments to the Amendments to the Clean Water Act, a MOU among EPA, DOI and DOT was established in 1994:⁴

Executive Order (E.O.) 12777 (56 FR 54757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(j) of the CWA. Sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(11) defines the term offshore facilities" to include facilities of any kind located in, on, or under navigable waters of the United States. By using the definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O 12777 to include inland lakes, rivers, streams, and any other inland waters.

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by E.O. 12777 as set forth below: For purpose of this MOU, the term "coast line" shall be defined as in the Submerged Lands Act (43 U.S.C. 1301 (c)) to mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

- 1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.*
- 2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains*

⁴ See 59 Fed Reg. No. 39, February 28, 1994.

jurisdiction for deepwater Ports and their associated seaward pipelines, as delegated by E.O. 12777.

3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.

1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of their exceptions.

2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.

Modifications and Termination

. No modification may be adopted except with the consent of all parties.

Federal Oil and Gas Royalty Management Act of 1982

This law authorizes the DOI to manage the measurement of oil and gas resources extracted from Federal lands. Its purpose is to manage finances and accounting of resources extracted.

30 U.S.C. § 1701. Congressional statement of findings and purposes

(a) Congress finds that—

(1) the Secretary of the Interior should enforce effectively and uniformly existing regulations under the mineral leasing laws providing for the inspection of production activities on lease sites on Federal and Indian lands;

(2) the system of accounting with respect to royalties and other payments due and owing on oil and gas produced from such lease sites is archaic and inadequate;

(3) it is essential that the Secretary initiate procedures to improve methods of accounting for such royalties and payments and to provide for routine inspection of activities related to the production of oil and gas on such lease sites; and

(4) the Secretary should aggressively carry out his trust responsibility in the administration of Indian oil and gas.

(b) It is the purpose of this chapter—

(1) to clarify, reaffirm, expand, and define the responsibilities and obligations of lessees, operators, and other persons involved in transportation or sale of oil and gas from the Federal and Indian lands and the Outer Continental Shelf;

(2) to clarify, reaffirm, expand and define the authorities and responsibilities of the Secretary of the Interior to implement and maintain a royalty management

system for oil and gas leases on Federal lands, Indian lands, and the Outer Continental Shelf;

(3) to require the development of enforcement practices that ensure the prompt and proper collection and disbursement of oil and gas revenues owed to the United States and Indian lessors and those inuring to the benefit of States;

This law provides exclusively for DOI's financial management of offshore resources.

Homeland Security

The Homeland Security Act transferred the Coast Guard from DOT to the new Department of Homeland Security (DHS). (Feb 25, 2003). Therefore, any statutory language which cites the "department in which the Coast Guard is assigned" now refers to the DHS rather than the DOT. Nevertheless, the Coast Guard requirements and authority remain in tact but now are governed by the Secretary of the DHS. The Coast Guard issued a Federal Register Notice on February 28, 2003. As stated in the summary:

SUMMARY: This rule makes technical changes to various parts of titles 33 (Navigation and Navigable Waters) and 46 (Shipping) of the Code of Federal Regulations. These revisions coincide with the scheduled March 1, 2003, transfer of the Coast Guard from the Department of Transportation to the newly created Department of Homeland Security. This rule, which revises existing regulations to reflect organizational changes, has no substantive effect on the regulated public.

Fed Reg. Vol. 68, NO. 40 (February 28, 2003)

In addition, the Coast Guard recently delegated inspection and enforcement authority on the OCS "fixed facilities"⁵ to MMS in a 2002 Rulemaking:

SUMMARY: We are authorizing the Minerals Management Service (MMS), on behalf of the Coast Guard, to perform inspections on fixed facilities engaged in Outer Continental Shelf activities and to enforce Coast Guard regulations applicable to those facilities. MMS already performs inspections on those facilities to determine whether they comply with MMS regulations. By authorizing MMS to also check for compliance with Coast Guard regulations, we avoid duplicating functions, reduce Federal costs,

⁵ Fixed OCS facility "means a buoyant OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures." (See 33 CFR Part, Section 140.10). The Coast Guard also recently renumbered some of its regulations regarding navigable waters on July 12, 2006, in various sections of Part of 33 CFR.71 Fed Reg. No. 133.

and increase oversight for Coast Guard compliance without increasing the frequency of inspections.

Federal Register: February 7, 2002 (Volume 67, Number 26).

Homeland Security is also charged with enforcement of the Chemical Facility Anti-Terrorism Standards. On April 9, 2007 the Department of Homeland Security (DHS) published the Final Interim Rule on Chemical Facility Anti-Terrorism Standards (6 CFR part 27) in the Federal Register. The rule went into effect in on June 8, 2007 and the Secretary of DHS can now direct individual, or classes of, chemical facilities to initiate actions under that rule.

This could impact pipeline operators, refineries, offshore platforms, petrochemical facilities, chemical plants, pulp & paper mills, trucking terminals, and others as well. The Appendix is the first part of larger legislative effort to document a regulatory materials risk management in much in the same way PSM and RMP do for catastrophic event program management in manufacturing/operating But, in any event the DHS does not intend to set operational standards for pipelines.

The Pertinent DOT statutes are:

The Deepwater Port Act (DPA)

This law specifically assigns standards and regulations authority for deepwater ports to DOT, in cooperation with the Dept of the Interior. (See 33 USC 1520).

CHAPTER 29--DEEPWATER PORTS

Sec. 1501. Congressional declaration of policy

(a) It is declared to be the purposes of the Congress in this chapter to--

(1) authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;

(2) provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development of such ports;

(3) protect the interests of the United States and those of adjacent coastal States in the location, construction, and operation of deepwater ports;

(4) protect the rights and responsibilities of States and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law;

(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil or natural gas into the United States and transporting oil or natural gas from the outer continental shelf \1\ while minimizing tanker traffic and the risks attendant thereto; and

(6) *promote oil or natural gas production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf \1\ oil or natural gas to the United States mainland.*

(b) *The Congress declares that nothing in this chapter shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.*

1502. Definitions

(5) *“coastal environment” means the navigable waters (including the lands therein and thereunder) and the adjacent shorelines including ¹¹ waters therein and thereunder). The term includes transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, and beaches; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources;*

(9) *“deepwater port”—*

(A) *means any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and that are used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to any State, except as otherwise provided in section 1522 of this title, and for other uses not inconsistent with the purposes of this chapter, including transportation of oil or natural gas from the United States outer continental shelf;*

(B) *includes all components and equipment, including pipelines, pumping stations, service platforms, buoys, mooring lines, and similar facilities to the extent they are located seaward of the high water mark;*

(C) *in the case of a structure used or intended for such use with respect to natural gas, includes all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities that are proposed or approved for construction and operation as part of a deepwater port, to the extent that they are located seaward of the high water mark and do not include interconnecting facilities ; and*

(17) *“Secretary” means the Secretary of Transportation;*

Sec. 1520. Pipeline safety and operation

(a) *Standards and regulations for Outer Continental Shelf*

The Secretary, in cooperation with the Secretary of the Interior, shall establish and enforce such standards and regulations as may be necessary to assure the safe construction and operation of oil or natural gas pipelines on the Outer Continental Shelf.

The Pipelines Safety Act (PSA) (49 USC 60101 et seq.)

The PSA specifically assigns regulatory jurisdiction over pipeline safety transportation to DOT. The PSA also establishes operational requirements for Offshore pipelines in 49 USC 60108:

Pipeline Facilities Offshore and in Other Waters. –

(1)

In this subsection -

(A) "abandoned" means permanently removed from service.

(B) "pipeline facility" includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)

(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of

-

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.

49 USC 60108 (c)

The PSA has only one reference to MMS in the Act in 49 USC 60133:

49 USC Sec. 60133 01/19/04

Sec. 60133. Coordination of environmental reviews

(a) Interagency Committee. -

(1) Establishment and purpose. - Not later than 30 days after the date of enactment of this section, the President shall establish an Interagency Committee to develop and ensure implementation of a coordinated environmental review and permitting process in order to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary. (2) Membership. - The Chairman of the Council on Environmental Quality (or a designee of the Chairman) shall chair the Interagency Committee, which shall consist of representatives of Federal

agencies with responsibilities relating to pipeline repair projects, including each of the following persons (or a designee thereof):

- (A) The Secretary of Transportation.*
- (B) The Administrator of the Environmental Protection Agency.*
- (C) The Director of the United States Fish and Wildlife Service.*
- (D) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.*

(E) The Director of the Bureau of Land Management.

(F) The Director of the Minerals Management Service.

(G) The Assistant Secretary of the Army for Civil Works.

(H) The Chairman of the Federal Energy Regulatory Commission.

(3) Evaluation. - The Interagency Committee shall evaluate Federal permitting requirements to which access, excavation, and restoration activities in connection with pipeline repairs described in paragraph (1) may be subject. As part of its evaluation, the Interagency Committee shall examine the access, excavation, and restoration practices of the pipeline industry in connection with such pipeline repairs, and may develop a compendium of best practices used by the industry to access, excavate, and restore the site of a pipeline repair. (4) Memorandum of understanding. -

Based upon the evaluation required under paragraph (3) and not later than 1 year after the date of enactment of this section, the members of the Interagency Committee shall enter into a memorandum of understanding to provide for a coordinated and expedited pipeline repair permit review process to carry out the purpose set forth in paragraph (1). The Interagency Committee shall not enter into a memorandum of understanding under this paragraph except by unanimous agreement of the members of the Interagency Committee. (5) State and local consultation. - In carrying out this subsection, the Interagency Committee shall consult with appropriate State and local environmental, pipeline safety, and emergency response officials, and such other officials as the Interagency Committee considers appropriate. (b) Implementation. - Not later than 180 days after the completion of the memorandum of understanding required under subsection (a)(4), each agency represented on the Interagency Committee shall revise its regulations as necessary to implement the provisions of the memorandum of understanding. (c)

PIPES Act of 2006 Redline of 49 USC CHAPTER 601 - SAFETY

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This provision above was recently added by the Pipeline Safety Improvement Act of 2002 (PSIA; P.L. 107-355). The MOU required by this section was executed by the Federal Agencies in 2004. That MOU states in part:

The Department of Transportation (DOT), through its Research and Special Programs Administration (RSPA [Now PHMSA]), is responsible for establishing safety standards for the nation's pipeline transportation system. RSPA carries out

this responsibility through its Office of Pipeline Safety (OPS). OPS establishes and enforces minimum safety standards for the design, construction, operation and maintenance of pipeline facilities pursuant to 49 U.S.C. 60101 et seq.

The Minerals Management Service (MMS), within the Department of the Interior, is responsible for issuing and enforcing regulations to promote safe operations, environmental protection, and resource conservation on the Outer Continental Shelf (OCS). The MMS is responsible for granting rights-of-way through submerged lands of the OCS. In addition, the MMS regulates pipelines under the jurisdiction of the Department of the Interior in accordance with MMS policies, practices, and requirements issued under 30 CFR Part 250, Subpart J. MMS and DOT coordinate OCS pipeline inspection and repair activities in accordance with the 1996 MMS/DOT national Memorandum of Understanding and/or other regional agreements (e.g.. the "Offshore California Pipeline Inspection Survey Plan" and its implementing Memorandum of Agreement) as applicable.

This MOU therefore, specifically states that it is in conformance with the 1996 DOI-DOT MOU as there appears to be an acceptance of the terms and conditions of that MOU . This 2004 MOU also reflects signatures of both DOT by Jeff Shane and DOI by Steven Griles. (May 18, 2004).

The OPS/DOT regulates Natural Gas pipelines under 49 CFR Part 192:

§192.1 What is the scope of this part?

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas including pipeline facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

Hazardous Materials Transportation Act (HMTA) (49 USC 5101 et seq.)

The HMTA is also cited as authority for the DOT's' pipeline safety regulations administered by the Office of Pipeline Safety (OPS) because the Secretary of Transportation is charged with authority to write regulations for Hazmat transportation.

*TITLE 49 - TRANSPORTATION
SUBTITLE III - GENERAL AND INTERMODAL PROGRAMS
CHAPTER 51 - TRANSPORTATION OF HAZARDOUS MATERIAL*

-HEAD-

Sec. 5126. Relationship to other laws

(b) Nonapplication. - This chapter does not apply to -

(1) a pipeline subject to regulation under chapter 601 of this title; or

(2) any matter that is subject to the postal laws and regulations of the United States under this chapter or title 18 or 39.

There is no reference to DOI or MMS in this statute but only provides for DOT to administer the HMTA through PHMSA, the same agency that regulates pipeline safety.

Other Legislation

Coastal Zone Management Act of 1972 (CZMA)

This law merely provides for certification and approval of State Management plans for their respective coastal zones by the Secretary of Commerce. It authorizes no operational regulations.

Natural Gas Act (NGA) (15 USC § 717 et seq.)

The NGA is a statute which provides independent authority to a Congressional Agency and therefore, no Federal Department has any authority over the provisions of the NGA. However, it appears that FERC does not have direct operational authority to directly regulate operations. Its purpose is to provide certificate authority, which is primarily ROW authority on shore, and to determine just and reasonable rates for the sale and transportation of natural gas in interstate commerce. While FERC does have certificate authority, it does not provide for regulation of safety operation of OCS facilities. AS stated below FERC acknowledges DOT's "exclusive authority" to promulgate Federal safety standards for facilities used in the transportation of natural gas.

There is also a 1993 MOU between DOT and FERC:

Purpose.

This purpose of this Memorandum of Understanding (MOU) between the Department of Transportation (Department) and the Federal Energy Regulatory Commission (Commission) is to provide guidance and set policy for their respective technical staffs and the regulated natural gas pipeline industry regarding the execution of the agencies respective statutory responsibilities to ensure the safe and environmentally sound siting, design, construction, operations, and maintenance of natural gas transportation facilities.

The Commission, under Section 7 of the Natural Gas Act (15 USC § 717 et seq.), issues certificates of public convenience and necessity with terms and conditions for facilities proposed for use in the sale for resale or transportation of natural gas in interstate commerce. As required by the National Environmental Policy Act (42 USC § 44321 et seq.), the Commission prepares environmental impact

statements or environmental assessments for proposed natural gas transmission facilities in conjunction with the issuance of certificates.

Natural gas pipeline companies may also construct certain natural gas transmission facilities under Section 311 of the Natural Gas Policy Act (15 USC § 3301 et seq.). Facilities constructed under this section must comply with the environmental requirements of 18 CFR 157.206(d).

In addition, the Secretary of Energy under Section 3 of the Natural Gas Act (15 USC § 717 et seq) has approval authority for the import and export of natural gas. The Secretary of Energy has delegated and assigned Section 3 authority to the Commission to approve gas import and export facilities and their siting.

This MOU acknowledges the Departments exclusive authority to promulgate Federal safety standards for facilities used in the transportation of natural gas. (emphasis added) However, under the Natural Gas Act, the Commission exercises the authority over the siting of interstate natural gas transmission facilities and may impose conditions to mitigate the impact of construction or operation on the environment.

With respect to the Anti-Terrorism regulations of DHS , the Federal Energy Regulatory Commission (Commission) has issued a final rule in 18 CFR Part 388 amending its regulations for gaining access to critical energy infrastructure information (CEII). The final rule:

- modifies non-disclosure agreements;
- modifies the Commission's process to allow the CEII Coordinator to respond to CEII requests by letter;
- provides landowners access to alignment sheets for the routes across or in the vicinity of their properties;
- includes a fee provision;
- limits the portions of forms and reports the Commission defines as containing CEII;
- eliminates as a category of documents the Non-Internet Public designation;
- provides that the Commission will seek a requester's date and place of birth on a case-by-case basis rather than require that information with every request for CEII; and
- eliminates the request for social security numbers.

The rule became effective December 14, 2007.

National Environmental Policy Act (NEPA) (42 USC 4321-47)

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. The Act declares it a

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national policy to "encourage productive and enjoyable harmony between man and the environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the Nation"
(42 USC 4321)

REGULATORY LANGUAGE CONCERNS

The MMS Notice of Proposed Rule (NOPR) states that MMS does not consider the rulemaking as significant. As stated in our previous Comments regarding this Rule PE believes that the proposed Rule is significant, that the impact will be in excess of 100 million dollars and that Executive Order 12866 does apply. In addition the proposed new rules confuse and blur the distinctions agreed upon in two MOU's (the latest in 1996) by the DOI and the DOT about sharing jurisdiction.

Almost all of the Permits require Regional Supervisor Approval granting him broad authority without adequately defining what decision criteria will be used nor what recourse is available the Operator, should the Operator disagree. Because MMS must approve the granting of right of ways and production of natural resources by the pipeline industry under its OCSLA authority, it has assumed the authority to impose various design, construction, operational, maintenance, and repair requirements without rulemaking and due process.

Boundary Between Production and Transporter Pipelines.

The proposed new rules confuse and blur the distinctions agreed upon in two MOU's (the latest in 1996) by the DOI and the DOT about sharing jurisdiction. The existing regulations in Part 250 Subpart J specifically refer to the DOI regulations. For example, sections 250.1002 through 250.1006 specifically refer to DOI pipelines in the application of those regulatory requirements. The new proposal by MMS in the October 3, 2007 NPRM removes this distinction.

ROW Pipeline Language

One of the fundamental problems with the DOT regulated pipelines' efforts to deal with MMS regarding offshore pipelines is exemplified in the recent history of regulatory activity by MMS going back as far as 1988.

In a 1988 rulemaking, MMS issued a Final Rule regarding 30 CFR Part 250.(53 Fed Reg. 63, April 1, 1988) that made an effort to distinguish between the application of MMS rules between DOI pipelines and DOT pipelines. One of the specific issues involved the installation and modification of pipelines under DOI'S jurisdiction in accordance with the earlier 1976 MOU between DOI and DOT. As a result of comments, the resulting understanding in the 1988 final rule was that DOT pipelines (primarily ROW pipelines) would only fall under MMS jurisdiction for those installation and modifications of the Right Of Way (ROW) NOT for repair or modification of the pipeline itself.

The 1988 MMS Rulemaking specifically and intentionally described the MMS authority in response to questions and concerns of commenter's wanting clarification, which are shown in the preamble of the 1988 Final Rule. MMS issued a Final Rule regarding 30 CFR Part 250.(53 Fed Reg. 63, April 1, 1988) that made an effort to distinguish between the application of MMS rules between DOI pipelines and DOT pipelines:

This rule restructures and consolidates into one document the existing multi-tier rules of the Offshore program of the Minerals Management Service (MMS) that govern oil, gas, and sulphur exploration, development, and production operations in the Outer Continental Shelf (OCS). The new rule is intended to eliminate redundant, burdensome, unnecessary, and counterproductive requirements imposed by the existing rules; introduce more performance standards; introduce new and updated requirements; and simplify the language of the rules.

One of the specific issues involved the installation and modification of pipelines under DOI'S jurisdiction in accordance with the earlier 1976 MOU between DOI and DOT MMS. As a result of DOT pipeline company comments the understanding in the 1988 final rule was that DOT pipelines (primarily ROW pipelines) would only fall under MMS jurisdiction for those installation and modifications of the right of way (ROW) not for repair or modification of the pipeline itself.

The October 3, 2007 MMS NPRM refers to the last comprehensive update of the MMS regulations in 1988

In an August 28, 2001 (FR Vol. 66, No. 167) Notice of Proposed Rule Making MMS proposed requirements that all lease holders and ROW pipeline operators obtain approval from MMS before initiating any pipeline repair. Comments to the NPRM revealed the NPRM infringed on the jurisdiction of DOT.

In response to public comments to the 2001 NPRM, MMS published a withdrawal of the NPRM in February 21, 2003 (FR Vol. 68, No. 35), explaining that

“the review of our internal permitting procedures pointed out the need for increased clarification regarding our overlapping responsibilities with DOT for OCS pipelines. The respective responsibilities of DOI and DOT regarding OCS pipelines are defined in a 1996 Memorandum of Understanding between the two Departments.”... “MMS will rewrite the new subpart J in close cooperation with DOT's Office of Pipeline Safety to ensure, to the extent possible, that the two agencies have compatible regulations governing OCS pipelines. MMS will subsequently publish the new subpart J as a proposed rule. The withdrawal of this rule will not diminish the safety of offshore operations.”

With the 2001 NPRM and the 2003 withdrawal of the NPRM the following observations are apparent:

- MMS did not have the authority to approve pipeline repairs under the existing 2001 regulations, which required the implementation of regulations to establish new authority that is not provided for in the applicable laws and regulations. If the authority is provided within the applicable DOI Laws (OCS Land Act) it is a tenuous interpretation that was never included or intended in any previous rule makings. It is difficult to discern how

MMS authority over pipeline repairs of DOT regulated operators has not been provided for in a previous regulation and has arrived as a result of a new interpretation of authority of the OCS Lands Act.

- MMS' agreement in the 1996 DOT/MMS MOU that DOT has authority over design, construction, operations, and maintenance of DOT regulated pipelines is still in effect, and no applicable laws on DOT authority have changed to support a apparent new regulatory position of MMS .
- The goals of working in close cooperation with DOT to ensure the development of compatible regulations was clearly intending that "compatible regulations" meant duplicative regulations and overlapping regulatory authority, which is incompatible with the MOU, DOI laws, or DOT Pipeline Safety Laws.⁶

In the July 19, 2006 MMS final rule relating to cost recovery of services through permit fees, MMS revised the language, with no explanation or justification in the NPRM or final rule, to provide for application of MMS jurisdiction to pipelines by reversing the phrase "pipeline right of way" to "right of way pipeline" creating jurisdiction over the pipeline rather than over the ROW. In the first phrase, pipeline is an adjective but in the second it becomes a noun. The distinction is subtle but crucial. This 2006 final rule version is the current applicable regulation:

Subpart J: Pipelines and Pipeline Rights-of-Way

§ 250.1000 General requirements

Pipelines and associated valves, flanges, and fittings shall be designed, installed, operated, maintained, and abandoned to provide safe and pollution-free transportation of fluids in a manner which does not unduly interfere with other uses in the Outer Continental Shelf (OCS). An application shall be submitted to the Regional Supervisor and approval modification, or abandonment of a pipeline which qualifies as a lease term pipeline (see §250.1001, Definitions) and prior to the installation of a right-of-way pipeline or the modification or relinquishment of a pipeline right-of-way. (emphasis added)

July 19, 2006 Final Rule modified this section as follows:

(b) An application must be accompanied by payment of the service fee listed in § 250.125 and submitted to the Regional Supervisor and approval obtained before:

- (1) Installation, modification, or abandonment of a lease term pipeline;*
- (2) Installation or modification of a right-of-way (other than lease term) pipeline; or*
- (3) Modification or relinquishment of a pipeline right-of way.*

⁶ A provision of the MOU gives MMS authority over certain right of way pipeline operators who choose to be under MMS, such as production operators who want to avoid complying with both DOT regulations for their ROW pipelines and MMS regulations for their lease term pipelines. Prevention of duplicative compliance requirements in regard to design, construction, operation, and maintenance functions is a logical and essential provision of the MOU

This concern was communicated to MMS by written comments from the Southern Gas Association (SGA). (See SGA Comments to MMS proposed draft NTL, dated August 27, 2007.) Note that SGA response to the draft NTL was sent to MMS just prior to release of the current MMS NPRM issued October 3, 2007. SGA members were not aware of the pending MMS NPRM. During an inquiry by an INGAA member company representative in May 2007, MMS stated that this matter would be clarified by a future Fed Reg. notice relating to MMS Subpart J regulatory restructuring (i.e., the October 3, 2007 proposed rule). In fact, the NPRM did not clarify that matter but continued to state the phrase with “pipeline” stated as a noun, which changed the fundamental intent of authority given to the Regional Supervisor in the regulations under 30 CFR 250.1000(b).

Pre-2006:

250.1000(b) An application shall be submitted to the Regional Supervisor and approval obtained prior to the installation, modification, or abandonment of a pipeline which qualifies as a lease term pipeline (see §250.1001, Definitions) and prior to the installation of a right-of-way pipeline or the modification or relinquishment of a pipeline right-of-way.

Post 2006:

250.1000 (b) An application must be accompanied by payment of the service fee listed in § 250.125 and submitted to the Regional Supervisor and approval obtained before:

- (1) Installation, modification, or abandonment of a lease term pipeline;*
- (2) Installation or modification of a right-of-way (other than lease term) pipeline; or*
- (3) Modification or relinquishment of a pipeline right-of way.*

The 2006 rulemaking appears to give the MMS Regional Supervisor jurisdictional authority over operational, maintenance, design, and construction aspects of pipeline modifications that previously did not exist. This change was inserted without any notice or explanation in the related NRPM or Final Rule. The modification of a pipeline that doesn't involve a right of way modification is under the authority of DOT through the rights granted in MMS right of way permits to design, construct, operate and maintain pipelines under the applicable DOT regulations. The rights are provided for under the DOI laws, DOT laws, and implementing regulations.

Here is the break down under the existing Part 250:

1001-1008—Specifically applies to DOI pipelines (See 1000(c)(1)), except for section 1007 that is applicable to DOT regulated ROW holders through reference in 1015.

1009-1019—DOT and DOI—ROW holders

The 2007 NPRM is much longer and includes about 110 regulations. Also, MMS does not identify which pipelines (DOI) are covered by the regulations currently set forth in sections 1001-1008.

Notice To Lessees (NTL)

A significant regulatory tool utilized by MMS is the ‘Notice to Lessees’ (NTL) which they put in their rules in 1999:

Subpart A--General

Sec. 250.103 Where can I find more information about the requirements in this part?

MMS may issue Notices to Lessees and Operators (NTL's) that clarify, supplement, or provide more detail about certain requirements. NTL's may also outline what you must provide as required information in your various submissions to MMS.

In 1988, MMS noted that it was using NTL’s as interpretative devices:

..... Standards are documents developed by MMS and referenced in the OCS Orders, thereby becoming requirements. Standards included statements of recommended practices adopted by the offshore industry and trade associations, such as API, or professional standards writing organizations, such as the American National Standards Institute (ANSI). Initially, NTL's were used to inform lessees of DOI's interpretations of its requirements. The NTL's were not intended to impose new requirements. However, NTL's and the conditions placed upon required approvals occasionally imposed new requirements. In this restructuring and consolidation of MMS's multitier system of rules into a new expanded 30 CFR Part 250, efforts were made to eliminate any inconsistency and redundancy in the current rules. References to incorporated material were eliminated or the materials referenced specifically identified as narrowly as possible.

53 FR 10596, April 1, 1988

Existing section 30 CFR 250.103 was added in 1999 revisions.

Approval Requirements Imposed by MMS.

Because MMS must approve the granting of right of ways and production of natural resources by industry under its OCSLA authority, it has assumed the authority to impose various design, construction, operational, maintenance, and repair requirements without rulemaking. These requirements are usually imposed by issuing a Notice To Lessees (NTL). Because the MMS holds this ultimate authority to permit land rights and the extraction of minerals from the OCS, pipeline operators often succumb to this implicit compulsion to accept the NTL requirements as regulations.

The MMS NTL requirements requested of DOT regulated operators often directly conflict with MMS regulations. As an example, under 30 CFR 250.1000(c)(9), A pipeline segment is not subject to MMS regulations for design, construction, operation, and maintenance if:

- (i) It is downstream (generally shoreward) of the last valve and associated safety equipment on the last production facility on the OCS; and
- (ii) It is subject to regulation under 49 CFR parts 192 and 195.

Platforms

MMS utilizes its “interpretation and clarification” authority by using NTL's. These NTLs are often imposing stringent requirements on Pipeline operators subject to DOT jurisdiction. OCS platforms are a good example of this method of creating a regulation by interpretation. Pipelines which operate and maintain OCS platforms utilize the standards contained in API Recommended Practice RP 2A. However, MMS has attempted to impose additional burdensome design and construction requirements on fixed platforms through NTL's without Notice and rulemaking procedures required by the Administrative Procedures Act (APA). (5 USC 511-599)

MMS has also asserted authority to impose application and permission requirements on DOT regulated transporter pipelines for repairs of pipeline facilities on the OCS. The pipelines have been previously permitted to be operated and maintained under the applicable DOT regulations. The requirement to obtain written permission for pipeline repairs has been a burden and caused delays in accomplishing repairs on DOT pipeline operators, who have sometimes resisted this assertion of authority, particularly since DOT requirements do not impose time delaying requirements to make repairs.

A pipeline facility, as used in the safety standards under 49 CFR Part 192, includes "new and existing pipe rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation". Offshore platforms are equipment used to structurally support, operate, and maintain offshore pipelines and therefore are "used in the transportation of gas." Thus, they are included in the definition of "pipeline facilities." Part 192 does not contain standards that are specifically applicable to platforms; however, if the equipment is used in the transportation of gas by pipeline, it would have to meet applicable Part 192 regulations that govern pipeline facilities in general. DOT regulated operators follow the industry standard inspection and maintenance requirements under API RP 2A and make applicable repairs in accordance with API RP 2A, which meets the performance based standards of DOT Part 192 regulations.

Platforms (design, construction, operation and maintenance of) and other pipeline support structures in rivers, bayous, lakes, and in offshore state waters are clearly under DOT jurisdiction. The fundamental pipeline safety regulations applicable to DOT pipelines do not change when crossing into federal waters. API RP2A includes grandfather provisions such that platforms should have the ability to withstand the loads for which they were designed. MMS NTL's and the NPRM would require certain unmanned platforms with high flow rates to be re-designed and modified to meet the modern design standards, in spite of the fact that no L-1

platforms were destroyed or damaged in Hurricanes Katrina or Rita, the worst offshore disasters in recorded history (See MMS post Katrina and Rita platform and pipeline performance reports).

Prevention of Environmental Harm to the OCS.

MMS often claims to be asserting its authority to protect the environment of the OCS by preventive regulations, for example under the FWPCA, OPA, NEPA, and other laws designed to respond to spills. These laws are targeted toward emergency response and, in no case do the Federal agencies other than DOI and DOT prescribe design, construction or operational requirements on pipelines. But MMS has often asserted its preventive role in the operations of OCS pipelines. DOT is the primary agency charged with the “preventive” aspects of design, construction and operational authority for pipelines, on shore and on the OCS.

Development of current Proposed re-write of Subpart J.

When MMS sought to impose requirements for approval authority over sub-sea pipeline maintenance/repair activities through a 2001 rulemaking proposal (66 Fed Reg., No 167, August 28, 2001), it received significant opposing comments from the natural gas pipeline industry pointing out the absence of authority to encroach upon the authority of DOT. In its notice withdrawing that proposal in 2003 (60 Fed Reg., No. 35, February 21, 2003), MMS announced it would thereafter engage in a thorough review and re-write of Subpart J. However, both the language and the approach in this withdrawn 2001 proposal are now embodied in the October 3, 2007 NPRM.

Executive Order (EO) No. 12866 (issued Monday October 4, 1993)

In a 1993 Executive Order (EO), President Clinton stated that the American people deserve a regulatory system that works for them

- a regulatory system that protects and improves their health, safety, environment, and well-being
- a regulatory system that improves the performance of the economy without imposing unacceptable or unreasonable costs on society
- regulatory policies that recognize that the private sector and private markets
- are the best engine for economic growth;
- regulatory approaches that respect the role of State, local, and tribal governments;
- regulations that are effective, consistent, sensible, and understandable.

The Executive Order was intended to make more efficient the regulatory process.

One of the Objectives of this Executive Order was to enhance planning and coordination with respect to both new and existing regulations – The 1996 MOU is a prime example of prior compliance with Executive Order 12866

In the *Statement of Regulatory Philosophy* the EO stated that “Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need ...”

It went on to say that “In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits...”

Industry believes that the proposed Rule is significant, that the impact will be in excess of 100 million dollars and that Executive Order 12866 does apply. In this case, the principle issues are not clear, since the problem being addressed is not identified. There seems to be no clear problem with the existing regulations. The available alternatives to Rulemaking have not been assessed, including the alternative of not regulating. The Cost/Benefit analysis is inaccurate and the Rulemaking both duplicates and is inconsistent with other Regulations.

The proposed new rules confuse and blur the distinctions agreed upon in two MOU’s (the latest in 1996) by the DOI and the DOT about sharing jurisdiction. The existing regulations in Part 250 Subpart J specifically refer to the DOI regulations. For example, sections 250.1002 through 250.1006 specifically refer to DOI pipelines in the application of those regulatory requirements, while the October 3, 2007 NPRM removes this distinction.

Existing clarity can best be exemplified by quoting excerpts from the 1996 MOU & the existing Regulations

In the December 1996, Memorandum of Understanding it states:

“This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.” Thus, MMS will have primary regulatory responsibility for producer operated facilities and pipelines on the OCS, while RSPA (Now PHMSA) will have primary regulatory responsibility for transporter operated pipelines and associated pumping or compressor facilities.

§ 250.1000 General requirements.

(9) A pipeline segment is not subject to MMS regulations for design, construction, operation, and maintenance if:

- (i) It is downstream (generally shoreward) of the last valve and associated safety equipment on the last production facility on the OCS; and*
- (ii) It is subject to regulation under 49 CFR parts 192 and 195.*

§ 250.1001 Definitions.

DOT pipelines include:

- (1) Transporter-operated pipelines currently operated under DOT requirements governing design, construction, maintenance, and operation;*

Existing MOU – No Coordination with DOT for this rule making

The MMS Notice of Proposed Rule (NOPR) asserts that MMS reviewed the rule in accordance with EO 12866⁷ In addition to the questionable accuracy of MMS' economic impact evaluation, there are two key issues it appears to ignore in the EO.

The NOPR states:

*The proposed rule would not raise novel legal or policy issues.
Most of the requirements in the proposed rule represent established **MMS**
and industry practices, and are in accordance with the provisions of
the DOT/DOI MOU dated December 10, 1996.*

First, the NPR is in direct contradiction to the requirements in the 1996 MOU:

- (a) DOI did not consult with DOT during the development of regulatory requirements and did not send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR was published in the Federal Register; (See Section IV of the MOU, Joint Responsibilities)
- (b) No modification , nor termination of the MOU was sought by MMS nor considered by DOT. (See Sections VI, (Modifications) and VII, (Termination) of the MOU,)

Secondly, It appears that both the letter and spirit of the 1996 have been violated, thereby raising serious legal and policy issues, which results in non-compliance with the Executive Order. Therefore, the EO has not been complied with and the NPR is vulnerable to objections for lack of compliance with both the EO and the 1996 MOU.

⁷ 72 Fed Reg. at 56449, October 3, 2007.

CONFLICTING/DUPLICATIVE REQUIREMENTS

The MMS Notice of Proposed Regulation (NOPR) creates numerous conflicting and duplicative requirements between the Department of Transportation (DOT) and the Department of Interior (DOI). Consequently, PE believes the NOPR creates confusion, inconsistencies, and redundancy for the natural gas transmission offshore operators. Additionally, the conflicting and duplicative requirements will create jurisdictional overlaps and conflicts among the two agencies. PE believes the NOPR contradicts the 1996 Memorandum of Understanding (MOU) between DOT and DOI governing their respective responsibilities on the OCS. The intention was expressed in the Federal Register notice of February 14, 1997:

The MOU places, to the greatest extent practicable, producer Operated pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.....the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.

Clarification Points

The NOPR is duplicative, and, in some cases, expanding processes and procedures already required by DOT. It appears in certain parts of the NOPR that MMS is adopting policies already promulgated by DOT and applying them to the OCS. The duplicative and conflicting aspects of the proposed rules are discussed in detail in the Regulatory Language Concerns section of this document and in Appendices C and D. Below are some of the more significant duplicative and conflicting requirements of the NOPR.

Integrity Management Program

As required by the Pipeline Safety Improvement Act of 2002, DOT promulgated, broad and comprehensive regulations for Gas Transmission Pipeline Integrity Management Programs (IMP) for High Consequence Areas (HCA's) (49 CFR 192 Subpart O). These regulations required gas transmission pipeline operators to develop and implement an integrity management program for pipelines in HCA's by December 17, 2004.

Subpart O requires an operator's IMP to include provisions for HCA identification, risk assessment, conducting baseline assessments and reassessments, remediation of conditions discovered by assessments, preventive and mitigating measures, performance measures, and reporting requirements. Any offshore areas meeting the definition of a HCA would fall under the DOT IMP. The NOPR is requiring a "written integrity management program for your OCS pipelines that includes the ... seven elements."

Unlike the DOT plan, the MMS plan is very general, vague and makes no distinction for HCA's. It appears the MMS plan is for all the pipelines in the OCS, not just those in HCA's. PE is interested in knowing:

1. What is the basis for MMS requiring a comprehensive Integrity Management Program offshore?
2. What is the MMS program designed to protect? Public safety or something else?
3. Does the MMS intend to provide additional guidance for their IMP?
4. Does the MMS intend to accept DOT's IMP for DOT pipelines?
5. Does the MMS intend to enforce DOT's IMP for all offshore pipelines?
6. Did MMS do a cost vs. benefit comparison for their program? If so, would they share it with industry?

Emergency Plans

DOT requires companies to have emergency operating procedures in place along with requirements for conducting emergency drills, establishing communication protocols, etc. These plans have been tested and refined through emergencies, storms and hurricanes over many years. The NOPR requires "a written emergency plan that you will immediately implement in the event of a pipeline failure, accident, or other emergency that includes provisions for ..." and it goes on to list 12 items. PE is interested in knowing:

1. Why does the MMS believe another emergency plan is required?
2. Does the MMS plan to accept DOT's emergency response plans?

Personal qualification programs

DOT's Department of Transportation's Pipeline Hazardous Materials Safety Administration (PHMSA) requires pipeline operators to develop a written qualification program to evaluate the ability of employees and contractors to perform "covered tasks" and to recognize and respond to Abnormal Operating Conditions (AOC's) that may be encountered while performing these activities. The operator qualification program includes offshore employees performing covered tasks. The NOPR requires "a written qualification program for individuals who perform pipeline operation, maintenance, and repair duties that may affect the safe operation or integrity of the pipeline. The program must include" and it goes on to name six provisions. PE is interested in knowing:

1. Why does the MMS believe another operator qualification program is needed?
2. Does the MMS plan to accept DOT's operator qualification program?

Operations and Maintenance Manual (O&M)

DOT requires companies to develop and maintain an O&M Manual. DOT routinely performs audit requirements of DOT regulations and to ensure the company is complying with its O&M

Manual. The NOPR requires “you must operate and maintain a pipeline manual that” addresses five specific areas. PE is interesting in knowing:

1. Why does the MMS believe another O&M manual is required?
2. Does the MMS plan to accept DOT’s O&M manual or are separate offshore manuals required?

Reburial of Pipe

DOT requires burying pipelines in shallow water (12 feet or less) except in the Gulf of Mexico where pipelines must be buried in water depths less than 200 feet. DOT also requires gas pipeline operators to inspect their pipelines in the Gulf of Mexico in water depths up to 15 feet and rebury pipelines found to be exposed or a hazard to navigation. The NOPR would require burial of pipe in water less than 200’. Additionally, it requires that the pipeline remain buried at its approved burial depth throughout the life of the pipeline. PE is interested in knowing:

1. The NOPR calls for maintaining the approved burial depth throughout the life of the pipeline including after the pipeline is decommissioned in place. If a 50 mile segment of pipeline had an approved burial depth of 3 feet and after a hurricane or the impacts of other storms the pipeline depth was 2 feet and 9 inches, would the MMS require the 50 mile segment to be reburied an additional 3 inches to get it back to its approved depth?
2. What data did the MMS use to determine that burying or reburying pipelines will protect them from hurricane damage?
3. How did MMS select the depth of 200’?
4. Does the MMS plan to enforce burial of pipeline in state waters?

Pipeline Patrol

DOT requires offshore pipelines to be patrolled at least annually. The NOPR requires “you must conduct a visual survey of each of your pipeline routes at least monthly (or at a frequency specified by the Regional Supervisor) for an indication of leaks.” The NOPR frequency for leak patrol is significantly higher than the DOT onshore standard for routine patrols and much higher than the annual leak survey requirement. PE is interested in knowing:

1. What is MMS’s justification for patrolling all pipelines at least monthly to check for leaks?
2. What data did MMS use to determine the need for monthly patrols?
3. Did MMS consider the impact on helicopter or vessel usage (and associated manpower) to comply with this requirement?

Pipeline Safety Equipment

DOT regulations largely focus on safety to the public, employees and the environment, something the gas transmission industry also considers its highest priority. The NOPR

introduces a number of new safety equipment requirements. This includes some strict requirements such as one requiring operators to shut in the pipeline immediately should safety equipment not operate as intended. It also sets out certain notifications – out-of-service and correction action – along with a repair application procedure. Additionally it has a different maximum time frame than DOT for time between tests. PE is interested in knowing:

1. Why MMS believes the industry needs to submit a repair application when making a repair to address a safety equipment failure and get approval from the MMS Regional Supervisor before work is performed?
2. Did MMS analyze the impact of immediately shutting-in a pipeline on supply deliverability?
3. Did MMS consider the probable time delays, and potential impact on supply deliverability, while industry awaits MMS approval to begin making repairs?

COMMENTS TO SPECIFIC PARAGRAPHS OF THE PROPOSED REGULATIONS

Overview

The MMS Subpart J Notice of Proposed Rulemaking (NPRM) has been analyzed to determine the MMS requirements for natural gas pipeline transporters as they relate to the sections listed above. The NPRM requirements are extensive and reach far beyond the current Subpart J requirements for both DOT and DOI pipelines. The comments in this paper focus only on those requirements that would have a “major impact” on the natural gas transmission (transporters) industry if it was required to comply with the NPRM as currently proposed. Major changes are defined as requiring a significant increase in an operator’s:

- 1) work hours or staffing in order to be in compliance or,
- 2) either O&M or capital dollars expended to be in compliance or,
- 3) administrative monitoring and reporting to be in compliance.

In analyzing the NPRM, several themes quickly emerge. These are:

- 1) MMS is infringing on the current regulatory jurisdiction of PHMSA and drastically expanding the jurisdiction of DOI,
- 2) MMS is requiring extensive record keeping and mandatory reporting,
- 3) MMS is being more conservative on required reporting time-lines and design life criteria than either they or DOT currently require,
- 4) MMS is blurring the distinction between DOT and DOI jurisdictional lines (it should be noted that the design, construction, operation, and maintenance of natural gas transmission pipelines are subject to DOT regulations as outlined in the current laws, regulations, and MOU of both the DOI and the DOT) ,
- 5) MMS is incorporating previous NTL’s (Notice To Leaseholders) into the NPRM (and in some cases MMS is expanding the requirements beyond their existing NTL’s. For example, NTL T-186 was released in August 2007 for comments and it’s been both expanded and included in the NPRM),
- 6) MMS is giving broad and unilateral discretionary authority to the Regional Supervisor

Beyond the major impacts that are identified in this report, other “concerns” with the NPRM are also identified. These other concerns will clearly have an impact on the gas transmission industry if it has to comply with the NPRM requirements as proposed, but they aren’t as onerous as the major impacts. Therefore, they are listed as concerns. It should be pointed out that there are many other “minor” concerns with NPRM that are not identified in this report. These minor concerns are around issues like vague language, broad and confusing language, certain mandated reports, and generally accelerated notification and reporting time frames. At some point, these concerns should be addressed also, but not in these comments.

Subpart J: Pipelines and Pipeline Rights-of-Way

General Category (250.1000 – 250.1006)

250.1000 Definitions

- 250.1001 What general performance and recording keeping requirements apply to OCS Pipelines?
- 250.1002 What are the types of OCS pipelines?
- 250.1003 Which departments have jurisdiction over OCS pipelines?
- 250.1004 What are the criteria for determining jurisdiction?
- 250.1005 What are the requirements regarding jurisdiction transfer points?
- 250.1006 When must I submit the applications, requests, plans and reports, and make the notifications required by this subpart?

General Comments:

The general category covers definitions, general requirements, and types of pipelines, jurisdiction, and a table that summarizes required applications, notifications, plans and reports. The definitions used in this rulemaking have been discussed above. MMS considered adding a listing or table of acronyms after the definitions section, but decided against this due to the length of this proposed subpart. MMS is asking if it would be helpful to include such a listing or table. The proposed rule provides the basic regulations for OCS pipelines. This category includes a table that summarizes the various applications, notifications, plans, and reports that a company must submit to MMS, including the timing of the submittal or notification and the number of copies required.

There are other laws, conditions, and stipulations that apply to pipelines on the OCS which are not mentioned in the current regulations, but are addressed in this rule. They include:

- OCS Lands Act (OCSLA), as amended
- National Environmental Policy Act (NEPA)
- Coastal Zone Management Act (CZMA)
- Oil Pollution Act of 1990 (OPA 90)
- Federal Water Pollution Control Act (FWPCA)
- Applicable implementing regulations
- Approved applications
- Development Operations Coordination Documents (DOCD)
- Development and Production Plans (DPP)
- Lease provisions and stipulations

Applications for New Pipelines Category (250.1007 – 250.1013)

- 250.1007 How do I apply for approval of a new pipeline?
- 250.1008 Where must I send copies of my pipeline application?
- 250.1009 How does MMS process a pipeline application?
- 250.1010 What conditions must my pipeline application meet?
- 250.1011 What can I do if an affected State objects to my pipeline ROW application?

250.1012 How will the Regional Supervisor notify me of the decision on my pipeline application?

250.1013 When may the Secretary cancel approval of a pipeline application?

General Comments

MMS approval is required on all applications for new pipelines, to install, maintain, and operate on the OCS. This category covers responsibilities of the applicant and MMS in the pipeline application process. The conditions under which the Secretary of the Interior may cancel approval of a pipeline application are also addressed. The proposed rule covers when the Regional Supervisor (RS) may require additional information; When the RS may limit the information needed; when an application may be withdrawn; requirements for informing impacted lessees, lease operators, and pipeline ROW holder; and information submitted to affected states. MMS is also codifying the Coastal Zone Management information requirements for affected states for the first time in the pipeline regulations. Guidance on this subject was previously covered by a Notice to Lessees (NTL) which would be eliminated by this proposed rule. The proposed rule documents the current process that MMS follows in its standard review of applications, which is not currently addressed in the current regulations. Steps in the process include: initial review; compliance review; environmental impact evaluation, amendments; approval restrictions; and objections to coastal zone consistency certifications.

Pipeline Applications Category:

- 250.1014 General Information
- 250.1015 Other general information
- 250.1016 Information regarding other agencies and entities
- 250.1017 Location Information
- 250.1018 Origination and termination information
- 250.1019 Horizontal component and appurtenances information
- 250.1020 Schematic flow diagram
- 250.1021 Shallow hazards information
- 250.1022 Construction information
- 250.1023 Onshore support base, terminal, support vessels, and aircraft information
- 250.1024 Operation information
- 250.1025 Service and products information
- 250.1026 Biological and archaeological information
- 250.1027 Requests for alternative compliance and departure
- 250.1028 Oil and hazardous substance spill response information
- 250.1029 Oil Spill Financial Responsibility (OSFR) demonstration information
- 250.1030 Environmental Impact Analysis (EIA) information

General Comments

The information that the applicant must supply MMS in a pipeline application is spelled out, in detail, in this category. The proposed rule consolidates current MMS application contents and application process requirements, with related guidance from several NTL's and one LTL.

Activities for lease term pipelines must be covered in DOCD's in the western Gulf of Mexico (GOM), and in DPP's in the eastern GOM. The requirements for these OCS plans are covered in 30 CFR 250, subpart B, Plans and Information. The proposed rule imposes similar requirements for information on ROW pipeline applications that must be addressed in the DOCD and DPP required by subpart B for lease term pipelines. Current pipeline ROW regulations do not impose these requirements. They are currently contained as guidance in an NTL. This proposed rule making would eliminate four NTL's and one NTL. Proposed 250.1016 list other agencies and entities with which an applicant must coordinate, and the information required by MMS documenting that the coordination has taken place. Proposed 250.1017 and 1018 provide a detailed description of the information required in the application regarding horizontal components, risers, appurtenances, and schematic flow diagrams. Applicants currently provide much of the information required in proposed 250.1022 and 1023, and 1025 regarding construction, support, and products under the guidance of NTL's previously mentioned. The information requirements in proposed 250.1026 regarding biological and archaeological resources are also currently submitted under the guidance of the NTL's. The proposed rule codifies current procedures. The requirements in proposed 250.1028 regarding oil spill financial responsibility for ROW pipelines are both new to subpart J. However, the proposed regulations simply reference current requirements in 30 CFR parts 254 and 253 respectively. The information requirements in proposed 250.1030 regarding environmental impact analyses are new to the pipeline regulations, but are necessary for MMS to comply with NEPA.

Pipeline Design (250.1031 – 250.1036)

General Comments

Pipeline Design as proposed in the NPRM is very similar to the current MMS requirements. Most of the changes in the NPRM are minor wording changes, additions or clarifications, such as differentiating steel pipe into horizontal components and risers. The changes in this section will have a much larger impact on producers than it will on transporters. The proposed rule would incorporate seven sections of API RP1111 into the regulations for use in designing pipelines.

Other Concerns

1) Design Life Definition

There are several requirements in the NPRM where the MMS is requiring the design life of a particular system (e.g. anode system) to have a life expectancy of X years or for the design life of the pipeline, whichever is longer. Many systems, such as anodes, are designed for a finite life such as 20 years. However, natural gas pipelines are not designed to have a finite life. DOT Part 192 does not have a design formula or methodology for determining a "design life" on a pipeline. The life expectancy of a pipeline is determined by a number of factors including original design, ongoing maintenance, operating conditions, etc.

As to the "design life" for offshore gas transportation lines, there is not any single factor or formula for determining the design life of a pipeline. DOT Part 192 specifies a formula that determines the minimum pipe wall thickness given certain other factors (i.e. yield strength of the

pipe, operating pressure, OD, temp, etc.) but there is no “age factor” in the formula. The overall design, maintenance, operating conditions, certain external factors and the application of the pipeline determine how long it will last. In theory, a steel pipeline that is properly designed, operated, and maintained and is transporting good quality gas can last for many decades.

As an example on the design side, the type and thickness of external and internal coatings, the cathodic protection (i.e. mass of anodes), the wall thickness above minimum requirements, protection from external forces, etc. are all factors that would extend the life of a pipeline. Maintenance such as ongoing testing of the efficiency of anodes and timely replacement to ensure adequate protection, painting of piping exposed to the environment, all serve to extend the life of the pipeline. Both design and maintenance tend to protect the pipeline “from the outside”.

The application in which the pipeline is placed determines its life “from the inside.” If a pipeline is used to move or exposed to particular substances with corrosive properties, then internal coatings (type, thickness, quality), chemical inhibitors (type, frequency, efficacy) and pigging type (scraper, poly pig) and frequency all have an impact on its life. A pipeline operated near its maximum pressure for extended periods will have endured more stress than one operated at lower pressures and may be a candidate for stress related failures.

If these regulations pass as proposed, then the design life of each pipeline would very likely have to be determined in order to comply. This would be a very costly endeavor to *attempt* to calculate the design life given the lack of a “design life formula” and any attempts to determine such design life would likely require very extensive testing (i.e. – determine the remaining wall thickness). With the various factors that could be used, any such analysis could be very highly subjective since a myriad of factors come into play such as: what products will flow through this line?; for how long?; what is the corrosivity?; will there be any low spots that *might* hold water?; how long would water be held?; what chemicals will be injected and what is their efficacy?; how often will the line be pigged?; and what is the efficiency of the pigging?

There are tens of thousands of miles of offshore pipelines that have been in place for decades very reliably delivering their products. These pipelines are routinely maintained and prove that pipelines can work effectively for long periods of time without having been designed for a finite life expectancy.

As mentioned earlier, the NRPM states in 250.1033 (d) that a company must design its anode cathodic protection (CP) system to have a life expectancy of 30 years (versus 20 currently) or for the design life of the pipeline, which is longer. Platforms would typically have a design life longer than 30 years and it may not make sense to design the CP system for the life of the platform. The CP system can be repaired, replaced or upgraded as necessary to ensure it is working effectively. Also, technology improvements may make a CP system out-dated and it can be upgraded as necessary. Therefore, it’s not practical or economic to design a CP system beyond 20, or possibly 30 years.

Pipeline Fabrication (250.1038)

General Comments

Pipeline fabrication is a new section in the NPRM and there is no language in the current MMS requirements pertaining to pipeline fabrication. It is a short section that lists four general requirements for fabricating a pipeline.

Pipeline Construction (250.1040 – 250.1051)

General Comments

Pipeline Design in the NPRM contains all the MMS requirements in the current rule, plus it has added several new requirements. Most of the changes involve required notifications prior to construction, delineating the horizontal component and its protection requirements, riser protection, and specific construction requirements in or near designated use areas, sensitive biological features or areas, and near an archaeological resource. Transportation pipelines should not have to maintain the original depth of cover unless the pipeline can be reasonably determined to present a hazard to people, the environment or other OCS activities. The operator's justification must rely on industry accepted risk based principles and DOT based performance requirements (i.e. 192.613 and 192.703(b)).

Major Impacts

1. Burial of pipelines (250.1044) (d) Other protective measures:

The NPRM states that the Regional Supervisor may require the burial or other protection of the pipeline in any water depth if the Regional Supervisor determines that such measures will reduce the likelihood of environmental degradation, or mitigate a potential hazard to trawling operations of other uses of the OCS. This requirement could result in the Regional Supervisory unilaterally requiring companies to bury miles of pipelines at significant costs.

Other Concerns

1. Buoying hazards (250.1042) (a):

The NPRM requires that before beginning construction operations or other bottom disturbing activities in areas congested with pipelines or debris, use buoys to outline a safe working area. It requires a company to buoy all existing pipelines and other potential hazards located within 500 feet of the operation, including anchor patterns. In lieu of using buoys, a company can use state-of-the-art, real-time primary navigational positioning equipment to depict pipelines and other potential hazards. The concern with the requirement for buoying is one of jurisdiction. Currently, the USCG is responsible for buoying requirements.

2. H₂S contingency planning (250.1050):

The NPRM requires a company to prepare an H₂S Contingency Plan before it constructs a pipeline (using an anchor-supported construction vessel) that crosses a pipeline which transports a product with an H₂S concentration that if released could result in atmospheric concentrations of 20 ppm or more. It would be an administrative burden for pipelines to contact each pipeline it

crosses during construction to ascertain whether or not they transport H₂S and if it were released to the atmosphere would it exceed the 20 ppm threshold. It would be simpler and more effective if the MMS would ask each pipeline that currently transports H₂S where an atmospheric release could exceed the threshold to identify those specific pipelines to the MMS. A database of those pipelines could be maintained by MMS and accessed by companies before construction proceeds to determine if any pipeline being crossed would require a contingency plan to be developed. MMS could require companies to update their H₂S pipelines annually to make sure their database remains current. MMS could capture this data for new pipelines that are being constructed as part of the construction permitting process.

Pipeline Risers Connected to Floating Platforms (250.1052 – 250.1056)

General Comments

Requirements in this section of the NPRM are very similar to the current MMS requirements. Most of the changes in the NPRM are minor wording changes, additions or clarifications along with shortening the time requirements on submitting certain plans. The changes in this section will have a much larger impact on producers since this section is targeted at *floating* platforms that are found only in ultra deep waters.

Other Concerns

The proposed rule requires that all such risers be subject to separate verification that necessitates the use of a Certified Verification Agent (CVA) specifically for the pipeline riser.

Pipeline Pressure Testing (250.1057 – 250.1061)

General Comments

The requirements of the NPRM are similar to the current requirements other than some wording changes and more detailed time periods for certain tests. The NPRM does set out new pressure test requirements after using a clamp for a repair which is a commonly used repair technique today.

Major Impacts

1. Hydrostatic pressure test after making a repair with a clamp (250.1060) (b):

The NPRM requires that before a company can return a pipeline to service following a repair using either a mechanical or welded clamp it must successfully perform one of two leak tests. Typically, a welded clamp repair will be used above water and a mechanical clamp repair used below water. The latter repair requires a leak-test of the pipeline, including the riser or risers, or if required by the Regional Supervisor an 8-hour hydrostatic pressure test of the pipeline, including the riser or risers. In most cases, isolating the riser or risers where the clamp has to be placed in order to perform a hydrostatic pressure test is extremely difficult and not practical. For the former, it's often difficult to isolate the section where the clamp was placed and, in many cases, would result in pressure testing miles of pipeline in order to pressure test the welded clamp. Additionally, DOT doesn't require the pressure testing of pipelines or risers repaired

with clamps. Using clamps for repairs is a routine and common practice today in order to expedite repairs and minimize service impacts. This NPRM requirement would have a significant cost impact to the industry. Pipeline repair requirements are adequately covered by DOT regulations.

2. Taking a pipeline out of service (250.1086):

The NPRM defines out of service as “a pipeline that has not been used to transport oil, natural gas, sulphur, or produced water for more than 30 consecutive days. The out of service period begins on the 31st day of inactivity.” This is almost the same language in the current MMS requirements. On the 31st day on inactivity, the NPRM requires a company to immediately equip the out-of-service pipeline with either a blind flange or block valve locked in the closed position at each end. After a year but less than 3 years, a company must flush and fill the pipeline with inhibited seawater and after 5 years the pipeline has to be decommissioned.

However, the current language related to out-of-service pipelines is targeted to pipelines under the jurisdiction of DOI and the required actions are only for DOI pipelines. The NPRM makes no distinction between DOI or DOT pipelines, implying that pipelines currently under DOT jurisdiction would be required to follow this NPRM requirement. It’s not unusual for natural gas pipelines to temporarily have lines that aren’t flowing or that have been temporarily abandoned. The NPRM makes no distinction between an abandoned line and an out-of-service line. The NPRM appears also to go beyond the recent (August 2007) NTL concerning pipeline decommissioning.

Transportation pipeline abandonment and deactivation requirements are adequately covered by DOT regulations. Under DOT regulations, a pipeline is not considered abandoned, unused or “out of service” if it is periodically transporting gas or being actively maintained with reasonable anticipation of future use.

Other Concerns

1. MAOP definition (250.1000) and MAOP requirements (several sections including 250.1058 and 250.1060 (a) (2)):

MMS defines MAOP as the highest operating pressure allowable at any point in a pipeline. This is different than the DOT definition, which creates inconsistency in addition to jurisdiction concerns. It appears that MMS equates MAOP with MOP; the two are clearly different. MOP is not mentioned in DOT Part 192 but is an accepted industry term basically meaning the maximum pressure at which an interconnected system of pipelines can be operated based on the pipeline with the lowest MAOP of all pipelines in they system. When interconnected pipelines have different MAOP’s, the system operating pressure is limited by the pipeline with the lowest MAOP, which is the system MOP. The MOP is always less than or equal to the MAOP.

Pipeline Leak Detection (250.1071)

General Comments

This is a short section in the NPRM and in the current requirements specifically is targeted at only oil pipelines. The NPRM expands leak detection to any “pipeline that transports liquid hydrocarbons to shore.” Many of the gas transportation pipelines are wet or two-phase systems that transport some liquid hydrocarbons. Depending on certain operating conditions, dry systems can have liquid hydrocarbons fall out of the gas stream.

Major Impacts

Those natural gas pipelines that do transport liquid hydrocarbons to shore would be significantly impacted by this section. Those pipelines would be required to use a computational pipeline monitoring (CPM) system or equivalent methodology to detect leaks by continuously determining or calculating the imbalance between the incoming (receipt) and outgoing (delivery) volumes of a pipeline. A CPM system means an algorithmic monitoring tool that allows a company to respond to a pipeline operating anomaly that may indicate a release of hydrocarbons. The company must equip the CPM system with an alarm that signals when the imbalance exceeds a predetermined threshold for a selected time interval; and use SCADA technology to gather, process, and display the data the company uses in their CPM system.

The cost of installing such a system would be prohibitive. Additionally, gas transportation pipelines are not transporting liquid hydrocarbons as their primary product. Liquid hydrocarbons are sometimes found in the gas stream or may fall out of the gas stream during transportation due to temperature and pressure changes. Consequently, it’s difficult to determine the incoming (receipt) and outgoing (delivery) volumes of such a pipeline.

It is clear that the primary intention of this section is for oil pipelines and not gas transportation pipelines and the NPRM should be revised accordingly.

Pipeline Internal Corrosion and Flow Assurance (250.1074 – 250.1075)

General Comments

This is a new section and not found in the current requirements. It is a short section that requires companies to establish and implement internal corrosion control measures as well as establish and implement measures to ensure that adequate flow can be sustained throughout the service life of the pipeline under all expected flow conditions.

Internal corrosion control measures (250.1075):

The NPRM requires a company to establish and implement internal control measures (e.g. running pipeline scrappers; dehydrating; using corrosion inhibitors, bactericides, or oxygen scavengers) to protect the pipeline over its service life. This would imply these measures are required whether or not a corrosive environment is present. This is much broader than current DOT requirements and would be costly to implement and maintain such a program on all pipelines. A corrosion control program is a good idea when a corrosive environment is present. Most operators have developed cost-effective programs of their own, as part of their maintenance procedures to effectively mitigate internal corrosion of offshore pipelines. Corrosion control requirements are adequately covered by DOT regulations.

Other Concerns

1. Low flow from producer lines:

The NPRM requires a company to ensure that adequate flow can be sustained throughout the service life of the pipeline under all expected flow conditions and for the range of pressures. There are many pipelines where over the years the production is largely depleted and little gas flows through the lines. The flows and pressures are often too low to run pigs and the producers, who control the flow, usually don't want to de-commission the line. Flow control and others issues that affect the integrity of a transportation pipeline are covered by DOT regulations.

Pipeline Safety Equipment (250.1062 – 250.1069)

General Comments

Safety related equipment is addressed to a large degree in the current requirements as applicable to DOI pipelines. The NPRM has more detailed language regarding safety equipment, includes some new items like manned platforms, maximum source pressure, etc. The NPRM defines safety related equipment as:

- a. pressure safety high and low sensors
- b. flow safety valves
- c. subsea tie-in block valves
- d. shut down valves
- e. surface safety valves
- f. pipeline pumps (mentions API requirements; should apply only to oil pipelines)

This section will continue to primary affect producers more than transporters. Most OCS natural gas transmission facilities have a limited number of safety devices. Those tend to be flow safety valves (e.g. check valves), subsea tie-in block valves and shut down valves. Most of these devices are relatively simple and don't have high failure rates.

It should be noted that there are a number of safety related device requirements in the Operations and Maintenance requirements sections. Gas transportation pipeline safety equipment requirements are adequately covered by DOT regulations.

Other Concerns

1. Suspending operations (250.1069):

The NPRM states that if safety equipment fails, the operator must immediately suspend operations and shut-in the pipeline. The current requirements do not call for immediately shutting-in the pipeline. Shutting-in the pipeline would normally be done to possibly prevent a product release or to make the necessary repair. However, the NPRM also calls for notifying the Regional Supervisor if the safety repairs will result in the pipeline being out-of-service for more than two hours. Also, if you shut-in the pipeline due to the safety equipment being out-of-service for more than two hours, you must submit a detailed repair application and receive approval from the Regional Supervisor before any repair work can begin. This requirement seems over burdensome, unnecessary and could result in unwarranted delays in getting a pipeline

back into service. Operations, maintenance, and emergency response requirements for gas transportation pipelines are adequately covered by DOT regulations.

Pipeline Operations and Maintenance (250.1078 – 250.1091)

General Comments

This section of the NPRM is expanded significantly beyond the current requirements. Among the more significant changes, MMS is requiring an expansion of the O&M manual, a management integrity program, emergency operating plans, operator qualification programs, H₂S contingency plans, and pipeline safety equipment testing. It appears MMS is adopting some of the DOT requirements, like integrity management, but from a totally different perspective.

Major Impacts

1. Maintaining approved burial depth throughout the life of the pipeline including after it's decommissioned. (250.1078) (d):

This is not a requirement or practice today. A company faces significant challenges in maintaining the approved burial depth of many pipelines throughout the life of the pipelines. This would require a company that discovers that any of its pipelines aren't at the approved depth to rebury the pipeline immediately. For example, if a pipeline was approved to be at a three foot depth and it's now at a 2.5 foot depth, it would have to be reburied. Complying with this requirement would be impractical, time consuming and very costly and unnecessary.

As pointed out earlier in the construction section, gas transportation pipelines should not have to maintain the original depth of cover unless the pipeline can be reasonably determined to present a hazard to people, the environment or other OCS activities. The operator's justification must rely on industry accepted risk based principles and DOT based performance requirements (i.e. 192.613 and 192.703(b)).

2. Integrity Management Program (250.1079) (b):

The NPRM calls for a written pipeline integrity management plan for all OCS pipelines that includes numerous components including pigging all pipelines. Today, the DOT IMP requires that only HCA's fall under an integrity management plan. The DOT integrity management program is logically targeted at protecting the general public in HCA areas where the risks and consequences are the greatest. An offshore integrity management program serves no such public safety concern (beyond any offshore HCA areas) and would be impractical with little or no perceived benefit in terms of safety or efficiency.

3. Evacuating personnel from an OCS platform due to an impending storm or other emergency (250.1083):

In this situation, the NPRM requires the company to shut-in any connecting pipeline unless there is remote operations capability. Furthermore, you can conduct remote operations on the pipeline during an evacuation only if the Regional Supervisor has given an operator prior approval (is this a one-time approval or each time there is an impending storm?), the operator has remote monitoring and shut-in capability, and the company's circuitry has local storm timers designed to

shut-in a pipeline no more than 4 hours after the capability to monitor and control a process is lost, and this circuitry must be included in the SCADA logic.

When evacuating their platforms, natural gas pipeline companies rarely shut-in anyone. The decision to shut-in production or flow is made by the producer. Furthermore, most natural gas pipelines don't have full remote shut-in capability which under the NPRM would require them to have to shut-in the pipelines. Shutting in the pipelines, depending on the number of platforms evacuated, could have an enormous impact of the deliverability coming out of the Gulf. Adding remote monitoring and shut-in capability that's integrated into a company's SCADA system would be very costly.

Emergency response and preparedness is already required by DOT regulations. Offshore gas transportation operators have well tested hurricane evacuation plans and other site specific contingency plans as required by the DOT.

4. Pipeline safety equipment testing requirements (250.1084):

The NPRM requires testing of safety related equipment on monthly or annually basis depending on the safety device. For example, check valves are not inspected today, but would have to be inspected annually, not to exceed 13 months (note DOT is typically 15 months). Similarly, shut-down valves must be inspected monthly and fully-closed annually. Conducting these inspections is impractical and would have significant manpower impacts on the operators with no added safety benefits. Inspection and maintenance requirements are adequately covered by DOT regulations.

5. MMS suspension or prohibiting pipeline operations (250.1091):

The NPRM give the Regional Supervisor unilateral authority to suspend or temporarily prohibit any pipeline operations if the Supervisor determines that continued activity would threaten or result in serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, mineral resources; or the marine, coastal or human environment. Also, if the Regional Supervisor determines a company has failed to comply with a provision of the OCSLA or any other applicable law, a provision of this part or other applicable regulations, or a condition of a pipeline application approval or of a pipeline ROW grant; or protecting the nation's security, the Regional Supervisor can suspend or temporarily prohibit any pipeline operations. There appears to be no warning, fines, etc. or any type of an appeal process as seen with the DOT. The judgment of safety and operations of DOT pipeline activities is covered under the Pipeline Safety Act and not the OCLSA. Response to spills from transportation pipelines is subject to OCSLA and MMS authority under 30 CFR 254.

Pipeline Modifications and Repair (250.1093 – 10.97)

General Comments

Similar to the other sections of the NPRM, this section has added some wording changes and reporting requirements. The definition of what comprises a modification has been expanded to

include installing or replacing a pig receiving/launching facility; changing a pipeline riser configuration; changing the MAOP; replacing or adding anodes; and adding a hot-tap.

Major Impacts

The proposed rule would require an application to the Regional Supervisor for approval to make a permanent repair when a mechanical clamp is used to temporarily repair a riser in or above the splash zone. Operators would be required within 30 calendar days after they install the mechanical clamp to complete the permanent repair using a welded clamp, spool piece, or other method approved by the Regional Supervisor. DOT does not require this today and at times the use of a mechanical clamp is an accepted practice to expedite a repair or maintain deliverability.

Other Concerns

1. To commence and complete a repair (250.1095):

The NPRM requires a company to submit an application to the Regional Supervisor for approval before any modifications or repair work on a pipeline can commence. Today, under the current requirements the Regional Supervisor may require a detailed repair procedure be submitted prior to conducting the work. Currently a company must notify the Regional Supervisor before the repair of the pipeline or as soon as practicable along with a detailed report of the repairs within 30 days after completion of the work. The NPRM requires an even more detailed repair application that has to be submitted at the same time as the notification to the Regional Supervisor.

The Regional Supervisor may also require the company to submit a work plan that describes specific measures it intends to take, and the specific procedures it intends to follow, to ensure the safety of offshore workers and to prevent pollution. The Regional Supervisor may also require a company to analyze a pipeline failure, and examine samples of a failed pipe or associated equipment in a laboratory to determine the cause of the failure. When so directed the company must submit a comprehensive written report of its findings to the Regional Supervisor.

Additionally, the Regional Supervisor may require a company to submit a corrective action plan for approval, if there are internal or external conditions that could detrimentally affect a pipeline. Having to get approval from and submit a detailed application to the Regional Supervisor before any repair work can commence will impede a company's ability to quickly restore service thereby affecting deliverability and reliability.

It should be noted as the MMS rules are currently written, the repairs would be reportable under 1008(e) if it involves a right-of-way modification, so there is a situation where a repair is now reportable to MMS. Section 1009(c)(1) states: "Department of Interior pipelines, as defined in 250.1001, must meet the requirements in 250.1000 through 250.1008."

Today, sections 1000 through 1008 specifically apply to DOI pipelines as defined in 1000 (c) (1). Section 1009 (a) requires DOT operators to comply with the **applicable** sections of 1000 – 1008, which are sections relating to right-of-way approval and modification, or sections of 1009

– 1019 that cross reference 1000 – 1008. The NPRM goes well beyond the current requirements for repairs

Pipeline Surveying, monitoring, and inspecting a pipeline (250.1100 – 250.1103)

General Comments

The NPRM takes a current requirement for DOI pipelines to inspect its pipelines monthly for leakages and applies it to all pipelines. It also requires time based inspections on other pipeline components.

Major Impacts

1. Pipeline route surveys (250.1101):

The NPRM says a company must conduct a visual survey of each of its pipeline routes at least monthly (or at a frequency specified by the Regional Supervisor) for indication of pipeline leaks. Currently, natural gas pipelines patrol their offshore lines annually for leaks. A monthly requirement would have an enormous manpower and cost impact on companies. Helicopters and boats in the OCS are constantly checking for leaks as they go about their normal daily activities and offshore leaks are easily detected by bubbles on the surface. Natural gas leaks aren't harmful to the environment and there is no reason to patrol monthly for leaks. Pipeline patrols and leak surveys are adequately covered under DOT regulations.

Pipeline Decommissioning (250.1105 – 250.1113)

General Comments

The NPRM is revised to include some new requirements and wording changes. It provides some positive new options for companies for protecting the ends of a cut pipeline with sandbags provided the seafloor slope has a rise to run of 1:3. There are some new requirements for the use of concrete mats as cover. As seen throughout the NPRM, there are some additional record keeping and reporting requirements.

Pipeline Right-of-Way (ROW) Grants Category (250.1115 – 250.1138)

250.1115 What is a pipeline ROW grant?

250.1116 When must I obtain a pipeline grant?

250.1117 Who can be a pipeline ROW grant holder?

250.1118 What are the financial security requirements for holding a pipeline ROW grant?

250.1119 When will MMS terminate the period of liability of my financial security?

250.1120 When will MMS cancel my financial security?

250.1121 What happens if my financial security is reduced or lapses?

250.1122 How will MMS determine that my financial security is forfeited?

250.1123 What penalties can MMS assess if my financial security is not sufficient, is reduced or lapses, or is forfeited?

250.1124 What happens to my financial security after a pipeline ROW grant terminates?

250.1125 How do I submit an application for a pipeline ROW grant?

- 250.1126 What information must I include in an application for a pipeline ROW grant?
- 250.1127 How does MMS process an application for a pipeline ROW grant?
- 250.1128 When will MMS temporarily suspend or prohibit construction of an ROW pipeline?
- 250.1129 What must I do if the as-built location of the associated ROW pipeline deviates from the approved pipeline ROW grant?
- 250.1130 What rental fees and payment schedules apply to a pipeline ROW grant?
- 250.1131 What are the terms and conditions for holding a pipeline ROW grant?
- 250.1132 How do I modify a pipeline ROW grant?
- 250.1133 How does temporary cessation and cessation of pipeline operations affect a pipeline ROW grants?
- 250.1134 How do I assign a pipeline ROW grant?
- 250.1135 When may MMS suspend a pipeline ROW grant?
- 250.1136 How do I relinquish a pipeline ROW grant?
- 250.1137 When will a pipeline ROW grant be cancelled, be forfeited, or expire?
- 250.1138 What must I do after a pipeline ROW grant terminates?

General Comments

This category covers the terms and conditions for holding a pipeline ROW grant, including when a grant is needed, who may hold a grant, and how to apply for a grant. It also covers: bonding, application submittal, MMS review, compliance, environmental review, state consistency review, modifications, and cessation of operations, assigning a grant, suspensions, relinquishing a grant, and terminating a grant.

Because of certain administrative similarities between pipeline ROW grants and OCS leases, many of the proposed changes are based on or derived from the regulations in 30 CFR 256, which addresses OCS leasing. Each separate ROW pipeline requires a separate ROW grant. The proposed financial security requirements are more detailed than in the current regulations. Currently, pipeline companies must furnish an area bond in the amount of \$300,000 to hold pipeline ROW grants in an MMS OCS region. The proposed rule would allow a pipeline ROW holder the option of choosing to cover the pipeline ROW with either a \$300,000 pipeline ROW grant individual bond or a \$1,000,000 pipeline ROW grant bond. The \$1,000,000 area bond will cover all pipeline ROW grants held by a company in one MMS OCS region.

These requirements represent an increase from the current bonding amount, and will more accurately reflect the actual liabilities in decommissioning pipelines. The new proposed amounts would apply to all existing and future grants. Companies would be required to cover existing pipeline ROW grants by these increased amounts within 6 months after the rule becomes effective.

The Regional Director may also require additional security based on an evaluation of a company's ability to carry out present and future financial obligations under the pipeline ROW grant. Companies have the opportunity to provide MMS with written or oral arguments during the evaluation. These securities are required primarily to ensure that the U.S. Government has

sufficient funds available to properly decommission a pipeline in the event that the pipeline company is unable or unwilling to do so. The proposed rule includes language giving MMS the ability to reduce the amount required by a bond, to deal with lapse in bonds, and to determine bond forfeiture.

The service fee for a pipeline ROW grant would remain unchanged. The proposed rule addresses pipeline ROW grant assignments. The conditions for when MMS would suspend a ROW grant are spelled out more clearly.

The MMS is proposing to increase the annual rental fees for pipeline ROW grants to reflect the current rates established for new rights-of-use and easement (see 30 CFR 250.160(f) and (g) and pipeline accessory structures (see 30 CFR 250.1012(b)). The amount established by these regulations are \$5.00 per acre per year for sites in water depths less than 200 meters and \$7.50 per acre per year for sites in water depths 200 meters or greater. The current rental rate for pipeline ROW grants is \$15 per mile. A pipeline ROW is 200 feet wide. Therefore the area of a pipeline ROW grant is 24.24 acres per mile. At \$5.00 per acre, the rental rate would be approximately \$125 per mile (actually \$121.20).

Since raising the rental for pipeline ROW grants to \$125 per mile from \$15 per mile is a major increase, MMS is proposing to raise the rental in two steps. This proposed rule would increase the annual rental for pipeline ROW grants to \$70 per mile. MMS will propose the second increase to \$125 per mile in a future rule making. Although this is a large increase, MMS believes the higher fee is a fair and reasonable amount to pay for access to Federal lands.

The terms and conditions for holding a pipeline ROW grant remain unchanged with respect to the OCS Lands Act provisions requiring ROW pipelines to transport oil and natural gas produced in the vicinity of the pipeline without discrimination, and to provide open access. The proposed rule 250.1131(j) would make compliance with the Executive Order 11246, regarding non-discrimination in employment, a condition for holding a pipeline ROW grant. Therefore, the requirement (currently 250.1015(d)) for pipeline ROW grant applicants to include the "Non-discrimination in Employment" form (YN 3341-1) with their applications is eliminated.

This category also covers relinquishing a pipeline ROW grant. It addresses the application requirements, rental payments, delinquent payments, the effective date of relinquishment, and financial securities. Proposed 250.1137 covers cancellation, forfeiture, and expiration of pipeline ROW grants. One of the grounds for forfeiture in this proposed rule (250.1137(b)(2)) concerns open and nondiscriminatory access to shippers. The MMS recently published in the Federal Register a proposed rule (72 CFR 17047, April 6, 2007) which would establish 30 CFR, part 291, Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act. Part 291 will be referenced in this regulation when it (part 291) becomes final.

The proposed rule covers the obligations of the pipeline ROW holder after a pipeline ROW grant is terminated for any reason. The pipeline ROW holder has 1 year after the grant terminates to decommission the associated ROW pipeline. Current regulations require that the company

remove the pipeline. However, the proposed rule allows for ROW pipelines to be decommissioned in place if the Regional Supervisor approves. The proposed rule also provides requirements for re-commissioning of decommissioned pipelines.

Accessories to Right-of-Way (ROW) Pipelines Category (250.1140 – 250.1147)

- 250.1140 What are the requirements for an accessory to an ROW pipeline?
- 250.1141 How do I obtain approval to install, operate, and maintain an accessory?
- 250.1142 How does MMS process an accessory application?
- 250.1143 Who do I need to notify before I install an accessory?
- 250.1144 What information must I submit after an accessory is installed?
- 250.1145 What accessory inspections must I conduct?
- 250.1146 What must I do to modify an accessory?
- 250.1147 When must I decommission an accessory?

General Comments

The proposed rule expands the current subpart J regulations for accessories to ROW pipelines. However, there are very few new requirements. The proposed rule clarifies that accessories to ROW pipelines are subject to the requirements currently contained in 30 CFR 250, subpart H, Oil and Gas Production Safety Systems, and 30 CFR 250, subpart I, Platforms and Structures, just like all other OCS structures. It also clarifies that applications for new accessories are subject to Coastal Management Act consistency requirements. The proposed rule documents the internal MMS process for approving an accessory application.

COST AND BENEFIT ANALYSIS

The MMS Notice of Proposed Rule (NOPR) asserts that the proposed rule is not a significant rule as determined by OMB and is not subject to review under EO 12866. PE disagrees with this assertion.

The proposed rule will have an annual effect of \$100 million or more to the economy. PE is providing the INGAA supplied preliminary estimated costs to implement the rule in details in this document. The INGAA estimates show a potential annual compliance of approximately \$1.04 billion per year over the next ten years and a one time cost of \$162 million to develop the required program, plans and procedures.

The MMS has not provided any information in the NOPR that states the benefit of the new regulations. For the years 2006 and 2007, as reported to DOT for OCS pipeline incidents there was approximately \$600 thousand of gas loss per year, \$11.3 million of company costs to affect repairs per year and no cost to the public. This is for the approximately 14,000 miles of DOT jurisdictional pipe. The costs for 2005 were significantly higher due to two major hurricanes in the Gulf of Mexico. The gas loss cost that year was \$11.4 million with the company costs of repairs being \$74.6 million and no costs to the public. A four year average (2004 to 2007) shows an average per year gas loss cost of \$4.3 million, an average per year for company repair and any clean up cost of \$29.5 million with no costs to the public. During this period there were no fatalities or injuries reported to DOT.

A reduction of incidents and related costs may be achieved through the implementation of some of the proposed programs such as an integrity management program. If incidents could be reduced by 20 % (two-thirds of the corrosion related incidents), this would relate to an estimated cost savings of approximately \$2.4 million (20% of \$11.9 million, 2006 and 2007 average gas loss and company repair costs) A cost benefit can be determined based on these numbers with the cost exceeding the benefit by a factor of approximately 433 (\$1.04 billion divided by \$2.4 million).

Information on reportable incidents submitted to DOT shows the following as causes:

- 31% due to internal corrosion with most of these being small pits
- 27% due to heavy rains and floods with most of these during the 2005 hurricanes
- 11% were categorized as miscellaneous or unknown
- 9% due to damage by aquatic vehicle
- 6% were component failures
- 16% due to several other causes

Information on the annual leak report information submitted to DOT shows the following causes:

- 40% due to corrosion with most of these being small internal corrosion pits

- 27% due to natural forces with most of these during the 2005 hurricanes
- 11% due to excavation damage
- 9% due to materials and welds
- 13% due to several other causes

Cost Analysis

The information discussed in this section is based on a review of the MMS cost analysis and input from several INGAA member companies. The cost information provided by MMS does not agree with company experience and expectations for the identified activities. PE agrees with INGAA in the belief that the hours were significantly underestimated as was the per hour cost. In addition, the MMS analysis of costs only addressed expected administrative burden and did not address the costs to actually perform the identified activities such as patrolling, burying pipelines, and integrity assessment.

The following cost data is provided and applies to all OCS pipelines.

Reporting

PE agrees with INGAA's estimates that the total hour burden to develop systems, reports and records, perform quality control, and obtain management approval and legal review to be 117,600 hours with an associated cost of **\$8,820,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 20 hours for general departure and compliance requests
- 500 hours to retain all records and make available to MMS
- 400 hours to generate a petition to change jurisdiction
- 20 hours to mark DOI/DOT interface and note of records

Forms

PE agrees with INGAA's estimates that the total hour burden to complete forms, perform quality control, and obtain management approval and legal review to be 38,900 with an associated cost of **\$2,917,000**. This cost is based on an average hours as shown below with a \$75/hour rate:

- 20 hours for each notice under 1041(c), 1058(b) and 1093(f)
- 10 hours for completion and submission of form MMS-2030
- 120 hours to submit form MMS-2030
- 120 hours to submit form MMS-149

Applications for New Pipelines

PE agrees with INGAA's estimates that the total hour burden to develop applications, perform quality control, and obtain management approval and legal review to be 423,000 hours with an associated cost of **\$31,725,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 800 hours to prepare and submit applications

- 20 hours impacted lessees
- 300 hours to submit third party review

Pipeline Design and Construction

PE agrees with INGAA's estimates that the total hour burden to develop agreements and notifications, perform quality control, and obtain management approval and legal review to be 49,600 hours with an associated cost of **\$3,712,500**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 20 hours to prepare notifications to military
- 40 hours for buoy hazards
- 100 hours to enter into agreements with command headquarters
- 120 hours to submit construction reports

Pipeline Risers Connected to Floating Platforms

PE agrees with INGAA's estimates that the total hour burden to develop, perform quality control, and obtain management approval and legal review to be 52,800 hours with an associated cost of **\$3,960,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 240 hours to develop and submit riser verification plans
- 240 hours to submit final reports on design and construction

Pipeline Testing, Safety, Leak Detection, Operations and Maintenance

PE agrees with INGAA's estimates that the total hour burden to develop the required programs and plans, perform quality control, and obtain management approval and legal review to be 2,162,800 hours with an associated cost of **\$162,200,000**. This is a one time cost and is based on average hours with a \$75/ hour rate:

PE agrees with INGAA's estimates that the ongoing annual cost associated with these sections of the regulations is based on an hour burden of 404,000 with an associated cost of **\$30,300,000** for the ongoing administrative burden to carry out the tasks and document.

Not mentioned by MMS is the cost to maintain cover to the amounts specified in proposed section 250.1078. The cost to rebury pipeline is estimated at \$50,000 per mile. Based on an estimated re-burial need every ten years and considering the amount of pipe in the OCS, the annual cost is estimated at **\$165,000,000**.

Not mentioned by MMS is the cost to perform the required activities that will be required once the Pipeline Integrity Program is developed. Based on actual cost information collected by INGAA for its members, the DOT required integrity management program has cost the gas transportation industry \$1.56 billion over 5 years to assess 8,152 miles of high consequence area pipe. This equates to a cost per mile of \$191,000. Given this cost and applying it to all OCS pipelines, INGAA estimates and PE agrees that there will be a **\$630,000,000** annual cost over a ten year period (\$191,000 per mile times 33,000 miles of OCC pipe is \$6.3 billion divided by 10 years is \$630 million per year) to make the pipeline piggable, to conduct pigging with In-line

inspection devices and perform prevention and mitigation tasks as may be necessary. This cost is based on actual costs that operators have encountered implementing pipeline integrity programs for DOT. The costs for the integrity management program include modification of facilities to accommodate smart pigs, and performing the pigging operations.

PE agrees with the INGAA estimate that several hundred new valve platforms will need to be installed to provide for pigging operations. The cost for such a platform is estimated at \$10,000,000 and includes the platform, launchers, receivers, necessary valves and controls. The costs of platforms are part of the overall costs shown above.

Pipeline Modifications and Repairs

PE agrees with the INGAA estimate that the total hour burden to develop applications and notifications, perform quality control, and obtain management approval and legal review to be 70,000 hours with an associated cost of **\$5,250,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 120 hours to submit application for modification
- 40 hours to submit modification report, application to repair and repair report
- 240 hours to analyze pipeline failures

Pipeline Surveying, Monitoring and Inspection

MMS did not account for the cost of equipment such as boats, barges and aircraft to perform the surveys and inspections. This type of work is difficult to estimate based on hours and therefore, INGAA estimated the costs based on typical service charges. INGAA's estimates are consistent with PE's experience. For example the cost to patrol using aircraft is approximately \$100 per mile. Performing the survey 24 times per year for 33,000 mile of pipe equates to a cost of **\$59,400,000** per year.

Inspection of the various portions of pipeline risers involves vessels, equipment and personnel. The costs associated with the activities include vessel rental, diving and other equipment rental, diver and other personnel costs and involve many hours of transit time to and from the platforms. Based on a daily cost and the number of platforms involved, the cost for these inspections is estimated at **\$15,200,000** per year

Pipeline Decommissioning

INGAA estimates the total hour burden to develop decommissioning plans and applications, perform quality control, and obtain management approval and legal review to be 39,600 hours with an associated cost of **\$2,970,000**. INGAA's estimates are consistent with PE's experience. This cost is based on average hours as shown below with a \$75/ hour rate:

- 80 hours to submit application
- 40 hours to submit decommissioning report
- 120 hours to submit application to re-commission
- 120 hours to submit re-activation report

The costs to purge, flush and fill pipelines and maintain associated records are not fully explained in the MMS cost estimate. The costs to develop a decommissioning plan, purge the pipeline, flush the pipeline, dispose of the flushing material, filling the pipeline, and isolating from sources of product is estimated to be approximately \$120,000. The total costs based on 300 events are estimated at **\$36,000,000** per year.

Pipeline ROW Grants

PE agrees with the INGAA estimate that the total hour burden to develop applications and submissions, perform quality control, and obtain management approval and legal review to be 45,920 hours with an associated cost of **\$3,444,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 240 hours to submit the application
- 120 hours to submit arguments
- 40 hours to survey the pipeline
- 120 hours to submit application to modify grants and relinquish grants

Accessories to ROW Pipelines

PE agrees with the INGAA estimate that the total hour burden to develop applications and notifications, perform quality control, and obtain management approval and legal review to be 36,900 hours with an associated cost of **\$2,767,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 240 hours to submit application
- 240 hours to submit annual report
- 2,920 hours to inspect accessories for pollution

30 CFR, Part 256

PE agrees with the INGAA estimate that the total hour burden to develop reports, perform quality control, and obtain management approval and legal review to be 30,000 hours with an associated cost of **\$2,250,000**. This cost is based on average hours as shown below with a \$75/ hour rate:

- 20 hours to develop and submit report

Benefit Analysis

PE agrees with the INGAA review of information on gas transportation incidents and leaks reported to DOT. Incidents are reported in writing within 30 days of the incident. Leak information is reported annually.

Over the time period 2004 to 2007 which includes the hurricanes of 2005, there were no fatalities reported, nor were there any injuries reported. The incidents were reported to DOT were all reported because of the cost threshold of \$50,000.

The average cost of gas lost for this time period was \$4.3 million per year. The average cost to repair facilities due to incidents was \$29.5 million per year. The average for two years, 2006 and 2007 (exclude 2005 when two major hurricanes cause damage), were \$600 thousand per year for gas lost and \$11.3 million per year for company cost to affect repairs.

Implementation of the NOPR may have a small impact on the number and related costs of incidents. Even if the incidents could be reduced by 20% (two-thirds of the corrosion related incidents), this relates to an estimated benefit of \$2.4 million per year for the gas transportation pipelines.

Cost and Benefit Analysis

PE agrees with the INGAA estimate that the total annual costs to perform the annual administration and record requirements of the NOPR to be **\$68 million**.

PE agrees with the INGAA estimate that the total one time cost to develop programs, plans, procedures, etc. based on the requirements of the NOPR to be **\$162 million**.

PE agrees with the INGAA estimate that the total annual cost of the administration, operations, maintenance, etc. requirements of the NOPR not counting the costs for integrity assessments to be **\$276 million**.

PE agrees with the INGAA estimate that the total annual cost for performing integrity assessments which includes modifications of pipeline facilities to be **\$630 million** per year over ten years or a total cost of \$6.3 billion.

Since the gas transportation industry represents 42% of the pipeline miles in the OCS, these numbers are adjusted to represent gas transportation with the results as follows:

Administration and records	\$28.5 million
Operations and Maintenance	\$115.9 million
Integrity management	\$264.6 million
One time cost year one for plans an procedures	\$68.0 million

The cost for year one totals \$477 million. The cost for subsequent years totals \$409 million

The cost/benefit for year one is 198 to 1 and for subsequent years 170 to 1.

There were no fatalities or injuries during the analysis years.

RECOMMENDED CHANGES TO PROPOSED REGULATIONS

Generally the most clear description of jurisdiction should be set forth in the opening section (s) of a new rule, i.e., an Applicability or a Scope Section which is the format in DOT's Parts 190-199. Whether DOI considered this approach remains unknown. PE has reviewed the proposed rule and recommends that the language be amended to specify which pipelines (DOT or DOI) are covered by each of the proposed rules.

As discussed above, PE believes MMS should identify which rules do not apply to DOT pipelines. This can be done by adding language where appropriate that reflects the exclusion of DOT pipelines from certain requirements, Accordingly, PE requests that MMS exclude the following categories from applying to DOT pipelines:

Pipeline Design:

- 250.1031 What are the general requirements for designing a pipeline?
- 250.1032 What must I do to avoid or mitigate hazards?
- 250.1033 What are the design requirements for horizontal components and risers?
- 250.1034 What are the design requirements for appurtenances?
- 250.1035 What are the design requirements for sewer service?
- 250.1036 When must I sectionalize a pipeline?

Pipeline Fabrication (250.1038)

Pipeline Construction (250.1040-1051)

Pipeline Pressure Testing (250.1057-61)

Pipeline Leak Detection (250.1071)

Pipeline Internal Corrosion & Flow Assurance (250.1074-1075)

Pipeline Safety Equipment (250.1062-1069)

Pipeline Operations and Maintenance (250.1078-1091)

Pipeline Modification and Repair (250.1093-97)

Pipeline Survey, monitoring, and inspecting a pipeline (250-100-1103)

In order to accomplish this result, PE suggests the consideration of a new section or subparagraph in section 250.1004 that lists the above groups and sections as excluded from requirements for DOT pipelines. That section would then read something like this:

Sec. 250.1004 What are the criteria for determining jurisdiction?

- (a) DOI jurisdiction criteria. An OCS pipeline is under DOI jurisdiction if it is:
(1) A lease term pipeline that is not subject to regulation under 49 CFR, parts 192 and 195, and does not cross into State waters; or
(2) An ROW pipeline that is operated by an identified pipeline operator (the person or entity identified by the pipeline ROW holder as authorized to control or manage the pipeline's operations), and that is either:*

(i) A producing pipeline operator (the identified pipeline operator of an ROW pipeline that is a lessee or designated lease operator of one or more OCS leases), unless it is subject to regulation under 49 CFR, parts 192 and 195, and crosses into State waters; or

(ii) A transporting pipeline operator (the identified pipeline operator of an ROW pipeline that is not a lessee or a designated lease operator of an OCS lease), and the pipeline is not subject to regulation under 49 CFR, parts 192 and 195.

(b) DOT jurisdiction criteria. An OCS pipeline that is not under DOI jurisdiction (see paragraph (a) of this section) is under DOT jurisdiction.

(c) Jurisdiction transfer. You may request that a pipeline under DOI jurisdiction be transferred to DOT jurisdiction, or that a pipeline under DOT jurisdiction be transferred to DOI jurisdiction, by submitting a written petition for approval to the Regional Supervisor and the DOT Office of Pipeline Safety (OPS) Regional Director. In the petition, you must provide sufficient justification for the transfer. The Regional Supervisor and the DOT OPS Regional Director will decide jointly whether to approve the petition.

(new sub paragraph)

(d)

The following regulations do not apply to natural gas pipelines regulated by the DOT under 49 CFR Part 192:

Pipeline Design:

Pipeline Fabrication (250.1038)

Pipeline Construction (250.1040-1051)

Pipeline Pressure Testing (250.1057-61)

Pipeline Safety Equipment (250.1062-1069)

Pipeline Leak Detection (250.1071)

Pipeline Internal Corrosion & Flow Assurance (250.1074-1075)

Pipeline Operations and Maintenance (250.1078-1091)

Pipeline Modification and Repair (250.1093-97)

Pipeline Survey, monitoring, and inspecting a pipeline (250-1100-1103)

The preamble should explicitly state something like this:

General

250.1000 Definitions.

250.1001 What general performance and recordkeeping requirements apply to OCS pipelines?

250.1002 What are the types of OCS pipelines?

250.1003 Which departments have jurisdiction over OCS pipelines?

250.1004 What are the criteria for determining jurisdiction?

250.1005 What are the requirements regarding jurisdiction transfer points?

250.1006 When must I submit the applications, requests, plans and reports, and make the notifications required by this subpart?

Applications for New Pipelines

- 250.1007 How do I apply for approval of a new pipeline?
- 250.1008 Where must I send copies of my pipeline application?
- 250.1009 How does MMS process a pipeline application?
- 250.1010 What conditions must my pipeline application meet?
- 250.1011 What can I do if an affected State objects to my pipeline ROW application?
- 250.1012 How will the Regional Supervisor notify me of the decision on my pipeline application?
- 250.1013 When may the Secretary cancel approval of a pipeline application?

Pipeline Application Contents

- 250.1014 General information.
- 250.1015 Other general information.
- 250.1016 Information regarding other agencies and entities.
- 250.1017 Location information.
- 250.1018 Origination and termination information.
- 250.1019 Horizontal component and appurtenances information.
- 250.1020 Schematic flow diagram.
- 250.1021 Shallow hazards information.
- 250.1022 Construction information.
- 250.1023 Onshore support base, terminal, support vessels, and aircraft information.
- 250.1024 Operation information.
- 250.1025 Service and products information.
- 250.1026 Biological and archaeological information.
- 250.1027 Requests for alternative compliance or departure.
- 250.1028 Oil and hazardous substance spill response information.
- 250.1029 Oil Spill Financial Responsibility (OSFR) demonstration information.
- 250.1030 Environmental Impact Analysis (EIA) information.

Pipeline Design

- 250.1031 What are the general requirements for designing a pipeline?
- 250.1032 What must I do to avoid or mitigate hazards?
- 250.1033 What are the design requirements for horizontal components and risers?
- 250.1034 What are the design requirements for appurtenances?
- 250.1035 What are the design requirements for sewer service?
- 250.1036 When must I sectionalize a pipeline?

Pipeline Fabrication

250.1038 What are the general requirements for fabricating a pipeline?

Pipeline Construction

- 250.1040 What are the general requirements for constructing a pipeline?
- 250.1041 Who must I notify before I begin construction?
- 250.1042 What must I do to avoid or mitigate hazards during construction?
- 250.1043 What must I do to install a hot tap?
- 250.1044 What must I do to protect a horizontal component?
- 250.1045 What must I do to protect a riser?
- 250.1046 What must I do to protect an appurtenance and crossing?
- 250.1047 What must I do to construct a pipeline in or near a designated use area?
- 250.1048 What must I do to construct a pipeline in or near a sensitive biological feature or area?
- 250.1049 What must I do to construct a pipeline in or near an archaeological resource?
- 250.1050 When must I prepare and implement an H2S contingency plan for construction?
- 250.1051 What information must I submit after construction is completed?

Pipeline Risers Connected to Floating Platforms

- 250.1052 What are the requirements for pipeline risers connected to floating platforms?
- 250.1053 What are the requirements for pipeline riser verification plans?
- 250.1054 What must the CVA do to verify pipeline riser design?
- 250.1055 What must the CVA do to verify pipeline riser fabrication?
- 250.1056 What must the CVA do to verify pipeline riser installation?

Pipeline Pressure Testing

- 250.1057 What are the general requirements for pressure testing a pipeline?
- 250.1058 What are the requirements for conducting a hydrostatic pressure test for a pipeline?
- 250.1059 What are the requirements for leak testing a pipeline?
- 250.1060 When must I perform a pressure test on a pipeline?
- 250.1061 What information must I include in a pressure test report?

Pipeline Safety Equipment

- 250.1062 What are the general requirements for pipeline safety equipment?
- 250.1063 What are the safety equipment requirements for a departing pipeline?
- 250.1064 What are the safety equipment requirements for an incoming pipeline?
- 250.1065 What are the safety equipment requirements for a crossing pipeline?
- 250.1066 What are the safety equipment requirements for a bi-directional pipeline?

- 250.1067 When must I provide redundant safety equipment?
- 250.1068 What are the safety equipment requirements for a pipeline pump?
- 250.1069 What must I do if safety equipment fails to operate as intended?

Pipeline Leak Detection

- 250.1071 When do I need to use a leak detection system?

Pipeline Internal Corrosion Control and Flow Assurance

- 250.1074 What are the general requirements for internal corrosion control?
- 250.1075 What are the general requirements for flow assurance?

Pipeline Operations and Maintenance

- 250.1078 What are the general requirements for operating and maintaining a pipeline?
- 250.1079 What written procedures must I establish before I operate an OCS pipeline?
- 250.1080 When must I mark the MMS-assigned pipeline segment number on a pipeline?
- 250.1081 How do I determine the MAOP of a pipeline?
- 250.1082 What must I do if the pipeline transports H₂S?
- 250.1083 What are the requirements for conducting remote operations during a platform evacuation?
- 250.1084 What are the requirements for testing pipeline safety equipment?
- 250.1085 What must I do when safety equipment is removed from service?
- 250.1086 What must I do when a pipeline is taken out of service?
- 250.1087 What must I do if a pipeline is shut in?
- 250.1088 What must I do if a pipeline leaks?
- 250.1089 What must I do if I need to flare or vent gas from a pipeline?
- 250.1090 When must I provide impact protection for existing risers?
- 250.1091 When will MMS suspend or temporarily prohibit pipeline operations?

Pipeline Modifications and Repairs

- 250.1093 What must I do to modify an approved pipeline?
- 250.1094 What are the general requirements for repairing a pipeline?
- 250.1095 What must I do to commence and complete a repair?
- 250.1096 What must I do to repair a pipeline using a clamp?
- 250.1097 When do I need to submit a corrective action plan and report?

Pipeline Surveying, Monitoring, and Inspection

- 250.1100 What are the general requirements for surveying, monitoring, and inspecting a pipeline?
- 250.1101 What must I do to survey and monitor a pipeline or route?

- 250.1102 What inspections are required for my pipeline or route?
- 250.1103 What additional inspections or surveys may the Regional Supervisor require?

Pipeline Decommissioning

- 250.1105 When do I accrue pipeline decommissioning obligations?
- 250.1106 When must I decommission a pipeline?
- 250.1107 What must I do to decommission a pipeline in place?
- 250.1108 What must I do to decommission a pipeline by removal?
- 250.1109 How do I obtain approval to decommission a pipeline?
- 250.1110 How does MMS process a decommissioning application?
- 250.1111 After I decommission a pipeline, what information must I submit?
- 250.1112 When must I remove a pipeline decommissioned in place?
- 250.1113 What are the requirements for re-commissioning a decommissioned pipeline?

Pipeline Right-of-Way (ROW) Grants

- 250.1115 What is a pipeline ROW grant?
- 250.1116 When must I obtain a pipeline ROW grant?
- 250.1117 Who can be a pipeline ROW grant holder?
- 250.1118 What are the financial security requirements for holding a pipeline ROW grant?
- 250.1119 When will MMS terminate the period of liability of my financial security?
- 250.1120 When will MMS cancel my financial security?
- 250.1121 What happens if my financial security is reduced or lapses?
- 250.1122 How will MMS determine that my financial security is forfeited?
- 250.1123 What penalties can MMS assess if my financial security is not sufficient, is reduced or lapses, or is forfeited?
- 250.1124 What happens to my financial security after a pipeline ROW grant terminates?
- 250.1125 How do I submit an application for a pipeline ROW grant?
- 250.1126 What information must I include in an application for a pipeline ROW grant?
- 250.1127 How does MMS process an application for a pipeline ROW grant?
- 250.1128 When will MMS temporarily suspend or prohibit construction of an ROW pipeline?
- 250.1129 What must I do if the as-built location of the associated ROW pipeline deviates from the approved pipeline ROW grant?
- 250.1130 What rental fees and payment schedules apply to a pipeline ROW grant?
- 250.1131 What are the terms and conditions for holding a pipeline ROW grant?
- 250.1132 How do I modify a pipeline ROW grant?
- 250.1133 How does temporary cessation and cessation of pipeline operations affect a pipeline ROW grant?
- 250.1134 How do I assign a pipeline ROW grant?
- 250.1135 When may MMS suspend a pipeline ROW grant?
- 250.1136 How do I relinquish a pipeline ROW grant?
- 250.1137 When will a pipeline ROW grant be cancelled, be forfeited, or expire?

250.1138 What must I do after a pipeline ROW grant terminates?

Accessories to Right-of-Way (ROW) Pipelines

- 250.1140 What are the requirements for an accessory to an ROW pipeline?
- 250.1141 How do I obtain approval to install, operate, and maintain an accessory?
- 250.1142 How does MMS process an accessory application?
- 250.1143 Who do I need to notify before I install an accessory?
- 250.1144 What information must I submit after an accessory is installed?
- 250.1145 What accessory inspections must I conduct?
- 250.1146 What must I do to modify an accessory?
- 250.1147 When must I decommission an accessory?

The proposed rule incorporates some of those conditions of approval, and the guidance from the following NTL's and LTL (these documents are available on the MMS Web site at <http://www.mms.gov/ntls/>):

- NTL No. 2007-G09, Air Emissions Information for Applications for Accessory Platforms to Pipeline Rights-of-way (would be eliminated by the proposed rule);
- NTL No. 98-09, Proposed and As-Built Pipeline Location Data (would be eliminated by the proposed rule);
- NTL No. 2007-G01, Shallow Hazards Requirements;
- NTL No. 2000-G20, Deepwater Chemosynthetic Communities;
- NTL No. 2002-G03, Supervisory Control and Data Acquisition (SCADA) Systems;
- NTL No. 2007-G20, Coastal Zone Management Program Requirements for OCS ROW Pipeline Applications (would be eliminated by the proposed rule);
- NTL No. 2004-G05, Biologically Sensitive Areas of the Gulf of Mexico;
- NTL No. 2005-G07, Archaeological Resource Surveys and Reports;
- NTL No. 2007-G14, Pipeline Risers Subject to the Platform Verification Program (would be eliminated by the proposed rule); and
- LTL dated April 18, 1991; Provide Clarification, Description, and Interpretation with Regard to Pipeline Requirements (would be eliminated by the proposed rule).

APPENDICIES:

- | | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| APPENDIX A | 1996 MOU BETWEEN DOT AND DOI |
| APPENDIX B | LEGAL AND STATUTORY LANGUAGE |
| APPENDIX C | SIDE BY SIDE OF PROPOSED REGULATIONS VERSUS
EXISTING REGULATIONS WITH CONCERNS |
| APPENDIX D | SIDE BY SIDE OF MMS PROPOSED REGULATIONS
VERSUS DOT REGULATIONS WITH CONFLICTING AND
DUPLICATIVE REQUIREMENTS |

Panhandle Energy comprised of
Trunkline Gas Company
Sea Robin Pipeline Company
RIN 1010-AD11
March 14, 2008

APPENDIX A - 1996 MOU BETWEEN DOT AND DOT
(This is a three page document but only displays one page)

proposed extension of the withdrawal may present their views in writing to the address above.

The application case file is available for public inspection at the address above and at the California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

David McInay,

Chief, Branch of Lands.

[FR Doc. 97-3733 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-40-P

Minerals Management Service

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Outer Continental Shelf Pipelines

AGENCY: Minerals Management Service (MMS), Department of the Interior (DOI), and Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Notice of memorandum of understanding.

SUMMARY: DOI and DOT have revised a Memorandum of Understanding (MOU) on their respective responsibilities for pipelines on the Outer Continental Shelf (OCS). The revised MOU will replace an MOU in effect since May 6, 1976.

EFFECTIVE DATE: December 10, 1996.

FOR FURTHER INFORMATION CONTACT: L. E. Herrick, Office of Pipeline Safety Regulatory Programs, RSPA; telephone (202) 366-5523; e-mail l.e.herrick@rspa.dot.gov; or Carl W. Anderson, Operations Analysis Branch, MMS; telephone (703) 787-1608; e-mail Carl_Anderson@mms.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1995, MMS and RSPA published a notice with request for comments in the Federal Register (60 FR 27546; May 24, 1995). The notice announced a proposed MOU between the two agencies re-defining their respective responsibilities for pipelines on the OCS. Over 70 people attended a public meeting in New Orleans on August 1, 1995, to discuss the proposal. A transcript of this meeting is available through the agency representatives listed in the "For Further Information" section of this notice. The public meeting generated over 100 pages of transcribed comments from natural gas

and petroleum trade organizations, natural gas and oil exploration and production companies, transmission companies, offshore construction companies, and industry consultants. The DOI and DOT received twenty-three written comments on the Federal Register Notice.

Before the close of the comment period, the American Petroleum Institute requested a 30-day extension to provide time to convene a regulated community task team, review the proposal, and prepare a detailed response. RSPA and MMS responded by extending the comment period to September 22, 1995 (60 FR 43611; August 22, 1995).

The MOU places, to the greatest extent practicable, producer operated pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.

Each agency will initiate separate public rulemakings which will reflect the new boundaries. The DOI and DOT will propose that any changes in requirements for design or construction of pipelines which result from the transfer of pipelines to another agency's responsibility not apply to existing pipeline segment until each operator makes significant repairs or modifications to those segments.

This MOU also establishes an agreement between the two agencies for DOI to act as agent for DOT in identifying and reporting potential violations of DOT regulations at offshore platforms on the OCS. As an agent, DOI may inspect all DOT-regulated pipeline facilities on production platforms during DOI inspections. DOI may also perform coordinated DOI/DOT inspections of pipeline facilities on DOT-regulated platforms. The inspections may include reviewing any operating or maintenance records or reports that are located at the inspected OCS platform facility.

Once implemented through regulation, the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements. This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.

Dated: February 10, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

Dated: February 10, 1997.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

The MOU reads as follows:

Memorandum of Understanding Between the Department of Transportation and the Department of the Interior, Regarding Outer Continental Shelf Pipelines

I. Purpose

This Memorandum of Understanding (MOU) establishes the boundaries that will be used to delineate the locations over which the Department of Transportation (DOT), Research and Special Programs Administration (RSPA), and the Department of the Interior (DOI), Minerals Management Service (MMS), will exercise their respective regulatory authority over pipelines located on the Outer Continental Shelf (OCS). This MOU replaces the MOU between DOT and DOI regarding OCS pipelines which was signed and became effective May 6, 1976, and which terminates as of the effective date of this MOU.

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS. This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.

II. Authority

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline. DOT administers the following laws as they relate to pipelines: (1) the pipeline safety laws (49 U.S.C. 60101 et seq.); (2) the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524); (3) the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1251-1375), as amended by the Oil Pollution Act of 1990 (OPA) (P.L. 101-380) and implemented under Executive Order (E.O.) 12777; and (4)

APPENDIX B - LEGAL AND STATUTORY LANGUAGE

Statutes Reviewed

The following statutes have been reviewed for Congressional delegation of authority for regulating pipeline safety in the Outer Continental Shelf (OCS):

- D. DOI authority
 - 1. OCSLA
 - 2. FWPCA
 - 3. FOGRMA
 - 4. OPA
 - 5. DHS-CFAS
- E. DOT authority
 - 1. PSA
 - 2. DPA
 - 3. HMTA
- C. Other Laws
 - 4. CZMA
 - 5. NGA
 - 6. NEPA

As described below, no single Federal Agency has exclusive jurisdiction over the regulation of pipeline safety on the OCS. The table below reflects a summary of the Federal agencies which have regulatory authority. However, some have primary authority and some have secondary authority. The result is that some agencies have concurrent primary authority and others have concurrent secondary authority. The following Matrix helps to illustrate the extent of pipeline safety authority created for OFFSHORE facilities:

Dept	Agency	Statute	Level of Authority	Operations	Administration	Emergency Response	Inspections
DOI	MMS	OCSLA	Primary	X	Leases ROW	Releases	X
DOI	MMS	FWPCA	Secondary			Spills	
	MMS	OPA	Secondary			Spills	
DOI	MMS	FOGRMA	Primary		Financial Accounting		
DOT	OPS	DPA	Primary	X		Failures	
DOT	OPS	PSA	Primary	X		Releases	X
DOT	OPS	HMTA	Secondary	X		Releases	
DHS	DHS	Chemical	Primary			Security	X
DHS	Coast Guard	has	Primary	X		Security	
DHS	Coast Guard	FWPCA	Secondary	X		Spills	X
DHS	Coast	OPA	Primary		Security	Spills	

EPA	Guard EPA	FWPCA	Primary		Financial Accountability	Spills
States FERC	States FERC	FWPCA NGA	Secondary Primary	Secondary	Certificates ROW, rates	Spills
DOC	States	CZMA	Primary		Plan Approvals	

Both DOT and DOI have primary authority and therefore, concurrent authority over pipeline safety as it relates to operation of pipelines on the OCS. Recognizing this fact the two agencies have historically attempted to share the regulatory authority by Memoranda of Understanding, the most recent executed in 1996.

A number of statutes relate to the authority of DOI and DOT to regulate pipelines offshore on the Outer Continental Shelf.(OCS). A summary is provided herein below:

A review of the legal authorities that authorize operational regulations for pipelines offshore clearly demonstrates that Congress intended that both agencies have this authority but provided that conflicts and redundancy were to be avoided. Hence, the agencies acknowledged their “concurrent authority” and developed and executed the 1996 MOU. As a result of the MOU provisions, the regulations, inspection and enforcement authorities assigned the “producer” pipelines to DOI and the “transporter” pipelines to DOT.⁸ PE is a transporter pipeline.

The discussions below are abstracts of key provisions in various laws which have been reviewed.

A. DOI Authority

1. OCSLA (The Outer Continental Shelf Lands Act , 43 USC 1341 et seq.)

The Secretary of the Interior (Secretary) authorized the Minerals Management Service (MMS) to regulate oil, gas, and sulphur exploration, development, and production operations on the outer Continental Shelf (OCS). Under the Secretary's authority, the Director requires that all operations...

in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.

⁸ The pertinent sections of the MOU are II, III, IV and V.

(b) Conform to sound conservation practice to preserve, protect, and develop mineral resources of the OCS to:

- (1) Make resources available to meet the Nation's energy needs;*
- (2) Balance orderly energy resource development with protection of the human, marine, and coastal environments;*
- (3) Ensure the public receives a fair and equitable return on the resources of the OCS;*
- (4) Preserve and maintain free enterprise competition; and*
- (5) Minimize or eliminate conflicts between the exploration, development, and production of oil and natural gas and the recovery of other resources.*

d) Application of other laws

Nothing in this subchapter shall affect the authority provided by law to the Secretary of Labor for the protection of occupational safety and health, the authority provided by law to the Administrator of the Environmental Protection Agency for the protection of the environment, or the authority provided by law to the Secretary of Transportation with respect to pipeline safety.

(f) Coordination and consultation with Federal departments and agencies; availability to interested persons of compilation of safety regulations

(1) In administering the provisions of this section, the Secretary shall consult and coordinate with the heads of other appropriate Federal departments and agencies for purposes of assuring that, to the maximum extent practicable, inconsistent or duplicative requirements are not imposed.

(2) The Secretary shall make available to any interested person a compilation of all safety and other regulations which are prepared and promulgated by any Federal department or agency and applicable to activities on the outer Continental Shelf. Such compilation shall be revised and updated annually.

Laws in effect as of January 3, 2005

(a) Utilization of Federal departments and agencies

The Secretary, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of the Army shall enforce safety and environmental regulations promulgated pursuant to this subchapter. Each such Federal department may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of other Federal departments and agencies for the enforcement of their respective regulations.

(c) Onsite inspection of facilities

The Secretary and the Secretary of the Department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations to provide for--

(1) scheduled onsite inspection, at least once a year, of each facility on the outer Continental Shelf which is subject to any environmental or safety regulation promulgated pursuant to this subchapter, which inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents; and

(2) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental or safety regulations.

2. Federal Water Pollution Control Act FWPCA (33 U.S.C § 1251 et seq.)

- The FWPCA does not directly authorize the regulation of operations. A review of the
- FWPCA indicates that DOI did not get involved with the Act until 1966 and that the
- EPA and the States have the primary responsibility for enforcing this law. The term
- OCS is not even mentioned in the amendments so far reviewed.

The 1966 amendments (P.L. 89-753), entitled the Clean Water Restoration Act of 1966, authorized the Secretary of Interior, in cooperation with the Secretary of Agriculture and the Water Resources Council, to conduct a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the U.S. on fish and wildlife, sport and commercial fishing, recreation, water supply and power, and other specified uses (33 U.S.C. 466). The study report, due to the Congress three years following enactment, was to contain: 1) an analysis of the importance to estuaries to the economic and social well-being of the U.S. and of the effects of pollution upon the use and enjoyment of the estuaries; 2) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the nation; 3) recommendations for a comprehensive national program for the preservation, study, use and development of estuaries, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

3. Oil Pollution Act of 1990 (OPA)

The OPA is an amendment to the FWPCA which addresses only responsive action to spills involving oil.

TITLE 33 > CHAPTER 40 > SUBCHAPTER I > § 2701

§ 2701. Definitions: For the purposes of this Act, the term—

(6) “deepwater port” is a facility licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524);

(7) “discharge” means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(9) “facility” means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes;

(11) “Fund” means the Oil Spill Liability Trust Fund, established by section 9509 of title 26;

(16) “lessee” means a person holding a leasehold interest in an oil or gas lease on lands beneath navigable waters (as that term is defined in section 1301 (a) of title 43) or on submerged lands of the Outer Continental Shelf, granted or maintained under applicable State law or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(19) “National Contingency Plan” means the National Contingency Plan prepared and published under section 1321 (d) of this title or revised under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9605);

(20) “natural resources” includes land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone), any State or local government or Indian tribe, or any foreign government;

(21) “navigable waters” means the waters of the United States, including the territorial sea;

(22) “offshore facility” means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(23) “oil” means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act [42 U.S.C. 9601 et seq.]

To implement the amendments to the Clean Water Act , a MOU among EPA, DOI and DOT was established in 1994:⁹

⁹ See 59 Fed Reg. No. 39, February 28, 1994.

Executive Order (E.O.) 12777 (56 FR 54757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(j) of the CWA. Sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(11) defines the term "offshore facilities" to include facilities of any kind located in, on, or under navigable waters of the United States. By using the definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by E.O. 12777 as set forth below: For purpose of this MOU, the term "coast line" shall be defined as in the Submerged Lands Act (43 U.S.C. 1301 (c)) to mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

- 1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.*
- 2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains jurisdiction for deepwater Ports and their associated seaward pipelines, as delegated by E.O. 12777.*
- 3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.*

- 1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of their exceptions.*
- 2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.*

Modifications and Termination

- . No modification may be adopted except with the consent of all parties.*

4. Federal Oil and Gas Royalty Management Act of 1982

This law authorizes the DOI to manage the measurement of oil and gas resources extracted from Federal lands. This law provides for DOI's exclusive financial management of offshore resources:

30 U.S.C. § 1701. Congressional statement of findings and purposes

(a) *Congress finds that—*

(1) *the Secretary of the Interior should enforce effectively and uniformly existing regulations under the mineral leasing laws providing for the inspection of production activities on lease sites on Federal and Indian lands;*

(2) *the system of accounting with respect to royalties and other payments due and owing on oil and gas produced from such lease sites is archaic and inadequate;*

(3) *it is essential that the Secretary initiate procedures to improve methods of accounting for such royalties and payments and to provide for routine inspection of activities related to the production of oil and gas on such lease sites; and*

(4) *the Secretary should aggressively carry out his trust responsibility in the administration of Indian oil and gas.*

(b) *It is the purpose of this chapter—*

(1) *to clarify, reaffirm, expand, and define the responsibilities and obligations of lessees, operators, and other persons involved in transportation or sale of oil and gas from the Federal and Indian lands and the Outer Continental Shelf;*

(2) *to clarify, reaffirm, expand and define the authorities and responsibilities of the Secretary of the Interior to implement and maintain a royalty management system for oil and gas leases on Federal lands, Indian lands, and the Outer Continental Shelf;*

(3) *to require the development of enforcement practices that ensure the prompt and proper collection and disbursement of oil and gas revenues owed to the United States and Indian lessors and those inuring to the benefit of States;*

(4) *to fulfill the trust responsibility of the United States for the administration of Indian oil and gas resources; and*

(5) *to effectively utilize the capabilities of the States and Indian tribes in developing and maintaining an efficient and effective Federal royalty management system.*

5. Homeland Security

The Coast Guard issued a Federal Register Notice on February 28, 2003. As stated in the summary :

SUMMARY: This rule makes technical changes to various parts of titles 33 (Navigation and Navigable Waters) and 46 (Shipping) of the Code of Federal Regulations. These revisions coincide with the scheduled March 1, 2003, transfer of the Coast Guard from the Department of Transportation to the newly created Department of Homeland Security. This rule, which revises existing regulations to reflect organizational changes, has no substantive effect on the regulated public.
Fed Reg. Vol. 68, NO. 40 (February 28, 2003)

In addition, the Coast Guard recently delegated inspection and enforcement authority on the OCS “fixed facilities”¹⁰ to MMS in a 2002 Rulemaking:

SUMMARY: We are authorizing the Minerals Management Service (MMS), on behalf of the Coast Guard, to perform inspections on fixed facilities engaged in Outer Continental Shelf activities and to enforce Coast Guard regulations applicable to those facilities. MMS already performs inspections on those facilities to determine whether they comply with MMS regulations. By authorizing MMS to also check for compliance with Coast Guard regulations, we avoid duplicating functions, reduce Federal costs, and increase oversight for Coast Guard compliance without increasing the frequency of inspections.

DATES: This final rule is effective June 7, 2002, except for Sec. 140.103(c), which contains a collection-of-information requirement that has not been approved by the Office of Management and Budget. We will publish a document in the Federal Register announcing the effective date of that paragraph.

Federal Register: February 7, 2002 (Volume 67, Number 26).

Homeland Security is also charged with enforcement of the Chemical Facility Anti-Terrorism Standards. April 9, 2007 the Department of Homeland Security (DHS) published the Final Interim Rule on Chemical Facility Anti-Terrorism Standards (6 CFR part 27) in the Federal Register. The rule went into effect in on June 8, 2007 and the Secretary of DHS can now direct individual, or classes of, chemical facilities to initiate actions under that rule. An appendix to that Rule, Appendix A, DHS Chemicals of Interest, was also published on that day for public comment (Docket 2006-0073). Starting on that date all chemical facilities that have, or expect to have on site at least the Screening Threshold Quantity (STQ) found in Appendix A of any of the more than 300 chemicals listed will be required to provide to DHS information on their chemical

¹⁰ Fixed OCS facility “means a buoyant OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures.” (See 33 CFR Part , Section 140.10) The Coast Guard also recently renumbered some of its regulations regarding navigable waters on July 12, 2006 various sections of Part 33 CFR.,71 Fed Reg. No. 133.

facilities, the chemicals used there, and the potential consequences of an attack on the facility. This information will be provided through an Internet utility called the Top Screen. Each facility will have 60 days in which to complete this requirement.

DHS will utilize this information to:

- Determine if the facility is a high-risk chemical facility that would have further responsibilities under 6 CFR part 27, and
- If determined to be a high-risk chemical facility, preliminarily assign the facility to one of four tiers that will determine the levels of protection required to meet federal security guidelines under 6 CFR part 27, and
- Notify the high-risk facility of deadlines to complete the next step in the process, the Security Vulnerability Assessment.

DHS estimates that more than 6,000 facilities will be covered by the requirement to complete a Top Screen submission. Of those, they expect between 1,500 and 6,000 will be required to take further actions under this new regulation. The highest risk facilities, Tier 1, will be required to complete the designated actions sooner than the lower, high risk facilities. Between 36 and 42% of these facilities are expected to be 'small entities' under the Small Business Administration's rules.

Once DHS evaluates the information provided in the Top Screen, they will notify facilities which of four tiers they have been assigned for the purposes of preparation of a Security Vulnerability Assessment. Those not assigned to one of the four tiers are not considered to be a 'high risk facility' and will not be governed by the other requirements of this regulation. DHS encourages facilities not designated high risk facilities to consider using the methodologies outlined in this regulation to implement their own security programs.

The three highest risk tiers (tiers 1, 2, and 3) will be required to perform a Security Vulnerability Assessment (SVA) within 90 days of their notification. The results of this SVA will be required to be entered into the DHS on-line Chemical Security Assessment Tool (CSAT) so that DHS can make a final determination of their Tier ranking. Those facilities notified that they were preliminarily assigned a Tier 4 (lowest high-risk rating) will have the option of filing an already prepared vulnerability assessment (VA) in lieu of performing a new SVA and requesting DHS approval of that VA as an Alternate Security Plan (ASP). DHS may approve the ASP as long as it meets the criteria of the Center for Chemical Process Safety (CCPS) for an SVA (Section 2.5, Guidelines for Analyzing and Managing the Security Vulnerabilities of Fixed Chemical Sites, CCPS, 2003).

Once DHS approves the SVA, facilities in all four tiers will have 120 days to complete a Site Security Plan (SSP). The key point for the SSP is that it must specifically address all of the security problems noted in the SVA and address each of the Department's nineteen Risk Based Performance Standards. Once the submitted SSP is approved via a Letter of Authorization, DHS will inspect the facility to insure that its SSP is being effectively implemented before DHS issues its Letter of Approval of the SSP.

One of the more controversial elements of the Risk Based Performance Standards is the requirement for employee background checks as part of the Personal Surety Standard. As part of the SSP the facility will have to identify critical assets and restricted areas as appropriate. Employees, contractors, and visitors with unaccompanied access to these areas will be required to be identified in the SSP. These personnel will be required to have undergone a background check that, at a minimum:

1. Verifies and validates identity, and
2. Completes a criminal history check of publicly or commercially available databases, and
3. Verifies and validates legal authorization to work via the I9 process, and
4. Includes measures to identify personnel with terrorist ties.

DHS has made clear that current or even long time employees cannot be grandfathered around this requirement. It has also reiterated that conviction for a misdemeanor offense does not necessarily preclude someone from authorized unaccompanied access in a high risk chemical facility. Personnel with current screening documentation under another DHS program will be deemed appropriately screened; they will still have to be identified in the SSP. DHS will establish procedures for submitting names for the performance of the checks for personnel with terrorist ties as these checks will be done by DHS.

There are provisions for the protection of any information submitted to DHS in support of this regulation. Any information submitted will be protected as CVI (Chemical-terrorism Vulnerability Information) and disseminated only to personnel on a need to know basis. The protections required for this information parallel the requirements for classified defense information.

The new regulation establishes authority to issue orders to insure compliance. These orders may be enforced by fines of up to \$25,000 per day and potentially government closure of the facility. An appeals process has been established for the designation as a high risk facility, assignment to tiers, disapproval of SVA, SSP or ASP, orders, fines or facility closure.

This new regulation will put extensive security requirements on a large number of chemical facilities that have never been covered under government security guidelines before. A great deal of work by both the private sector and the government will have to be done before all of the high risk chemical facilities in the United States can be brought up to the standards of these requirements. In its Final Rule published November 20, 2007, DHS addressed the concerns of other agencies that regulate chemical facilities such as pipelines:¹¹

¹¹ The Department of Homeland Security recently provided Appendix A of the Chemical Facility Anti-Terrorism Standards (CFATS), outlining a survey for the chemical security regulatory program. Appendix A lists

Response:

The Department recognizes that multiple federal entities regulate matters related to chemicals. In the Advance Notice to part 27, the Department discussed pre-existing chemical security and safety programs, such as those of the USCG, EPA, OSHA, and ATF. The Department notes, however, that each entity regulates chemicals for distinct reasons. Congress has given each entity a different mandate and so each entity must satisfy its mandate. For example, OSHA is concerned with, inter alia, the protection of employees that use certain chemicals in the workplace. DOT is concerned with the safe and secure transportation of hazardous materials. EPA, through its RMP program, is concerned with preventing an accidental release of certain chemicals. DHS, however, is concerned with the security implications of facilities possessing these chemicals. Congress has given DHS explicit authority to regulate security at chemical facilities.

To the extent there is overlap in the jurisdiction and efforts of multiple federal entities, DHS will work with those entities to coordinate efforts. Within DHS, the Department has already undertaken steps among headquarters and component offices (e.g., USCG, DHS Office of Infrastructure Protection/Chemical Security Compliance Division (CSCD), and TSA) to coordinate the application and enforcement of regulatory programs related to chemical security. There are liaison positions within CSCD for individuals from other DHS offices and components. In addition, DHS has developed informal and formal working groups to coordinate Departmental regulatory authorities in the chemical sector. With respect to federal entities outside of DHS, the Department will consider the necessity of various formalized arrangements, such as an inter-agency coordination process to resolve jurisdictional questions or conflicts, as this regulatory program develops.

Despite the differing mandates between federal agencies that regulate chemicals, the Department has looked to the regulatory programs of these other federal agencies for guidance and direction. The Department found great value in considering a number of these regulatory programs, including those of the ATF, DOC, Department of Energy (DOE), DOT, EPA, and OSHA. In fact, the Department references, uses, and cites many of these regulations in this rule.

With respect to offshore oil and gas facilities, as discussed in the IFR at 72 FR 17699, the Department notes that the statute (Section 550) and the regulation (Sec. 27.110(b)) exempt facilities regulated pursuant to MTSA.

approximately 300 chemicals of interest and includes common industrial chemicals such as chlorine, propane and anhydrous ammonia as well as specialty chemicals such as arsine and phosphorus tri-chloride. Facilities that possess chemicals of interest at or above the listed screening threshold quantities are required to complete the Top-Screen within 60 calendar days of the publication of Appendix A. The Appendix is the first part of larger legislative effort to document a regulatory materials risk management in much the same way PSM and RMP do for catastrophic event program management in manufacturing/operating facilities.

TSA is the lead agency for the security of pipeline transportation and of transportation-related facilities; however, such facilities (e.g., peak shaving facilities) may be required to provide information under part 27. TSA and the Chemical Security Compliance Division will work together to ensure that DHS efforts directed at pipelines are complementary.

The DHS anti-terror regulations are merely requiring information about the chemical risks involved in pipeline transportation and do not seek to prescribe any operational requirements.

27.105 Definitions

Chemical Facility or facility shall mean any establishment that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined by the Secretary to be potentially dangerous or that meets other risk-related criteria identified by the Department. As used herein, the term chemical facility or facility shall also refer to the owner or operator of the chemical facility. Where multiple owners and/or operators function within a common infrastructure or within a single fenced area, the Assistant Secretary may determine that such owners and/or operators constitute a single chemical facility or multiple chemical facilities depending on the circumstances.

Sec. 27.110

Applicability.

(a) This Part applies to chemical facilities and to covered facilities as set out herein.

(b) This Part does not apply to facilities regulated pursuant to the Maritime Transportation Security Act of 2002, Pub. L. 107-295, as amended; Public Water Systems, as defined by Section 1401 of the Safe Drinking Water Act, Pub. L. 93-523, as amended; Treatment Works as defined in Section 212 of the Federal Water Pollution Control Act, Pub. L. 92-500, as amended; any facility owned or operated by the Department of Defense or the Department of Energy or any facility subject to regulation by the Nuclear Regulatory Commission.

Sec. 27.200 Information regarding security risk for a chemical facility.

(a)

Information to determine security risk. In order to determine the security risk posed by chemical facilities, the Secretary may, at any time, request information from chemical facilities that may reflect potential consequences of or vulnerabilities to a terrorist attack or incident, including questions specifically related to the nature of the business and activities conducted at the facility; information concerning the names, nature, conditions of storage, quantities, volumes, properties, customers, major uses, and other pertinent information about specific chemicals or chemicals meeting a specific criterion; information

concerning facilities' security, safety, and emergency response practices, operations, and procedures; information regarding incidents, history, funding, and other matters bearing on the effectiveness of the security, safety and emergency response programs, and other information as necessary.

(b)

Obtaining information from facilities.

(1) The Assistant Secretary may seek the information provided in paragraph (a) of this section by contacting chemical facilities individually or by publishing a notice in the Federal Register seeking information from chemical facilities that meet certain criteria, which the Department will use to determine risk profiles. Through any such individual or Federal Register notification, the Assistant Secretary may instruct such facilities to complete and submit a Top-Screen process, which may be completed through a secure Department Web site or through other means approved by the Assistant Secretary.

(2) A facility must complete and submit a Top-Screen in accordance with the schedule provided in Sec. 27.210 if it possesses any of the chemicals listed in Appendix A to this part at the corresponding Screening Threshold Quantities.

(3) Where the Department requests that a facility complete and submit a Top-Screen, the facility must designate a person who is responsible for the submission of information through the CSAT system and who attests to the accuracy of the information contained in any CSAT submissions. Such submitter must be an officer of the corporation or other person designated by an officer of the corporation and must be domiciled in the United States.

(c) Presumptively High Risk Facilities.

(1) If a chemical facility subject to paragraph (a) or (b) of this section fails to provide information requested or complete the Top-Screen within the timeframe provided in Sec. 27.210, the Assistant Secretary may, after attempting to consult with the facility, reach a preliminary determination, based on the information then available, that the facility presumptively presents a high level of security risk. The Assistant Secretary shall then issue a notice to the entity of this determination and, if necessary, order the facility to provide information or complete the Top-Screen pursuant to these rules. If the facility then fails to do so, it may be subject to civil penalties pursuant to Sec. 27.300, audit and inspection under Sec. 27.250 or, if appropriate, an order to cease operations under Sec. 27.300. (2) If the facility deemed "presumptively high risk" pursuant to paragraph (c)(1) of this section completes the Top-Screen, and the Department determines that it does not present a high level of security risk under Sec. 27.205, its status as "presumptively high risk" will terminate, and the Department will issue a notice to the facility to that effect.

§ 27.203 Calculating the screening threshold quantity by security issue.

(a) General. In calculating whether a facility possesses a chemical of interest that meets the STQ for any security issue, a facility need not include chemicals of

interest:

- (1) Used as a structural component;*
 - (2) Used as products for routine janitorial maintenance;*
 - (3) Contained in food, drugs, cosmetics, or other personal items used by employees;*
 - (4) In process water or non-contact cooling water as drawn from environment or municipal sources;*
 - (5) In air either as compressed air or as part of combustion;*
 - (6) Contained in articles, as defined in 40 CFR 68.3;*
 - (7) In solid waste (including hazardous waste) regulated under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq., except for the waste described in 40 CFR 261.33;*
 - (8) in naturally occurring hydrocarbon mixtures prior to entry of the mixture into a natural gas processing plant or a petroleum refining process unit. Naturally occurring hydrocarbon mixtures include condensate, crude oil, field gas, and produced water as defined in 40 CFR 68.3.*
- (b) Release Chemicals. —(1) Release-Toxic, Release-Flammable, and Release-Explosive Chemicals. Except as provided in paragraphs (b)(2) and (b)(3), in calculating whether a facility possesses an amount that meets the STQ for release chemicals of interest, the facility shall only include release chemicals of interest:*
- (i) In a vessel as defined in 40 CFR 68.3, in a underground storage facility, or stored in a magazine as defined in 27 CFR 555.11;*
 - (ii) In transportation containers used for storage not incident to transportation, including transportation containers connected to equipment at a facility for loading or unloading and transportation containers detached from the motive power that delivered the container to the facility;*
 - (iii) Present as process intermediates, by-products, or materials produced incidental to the production of a product if they exist at any given time;*
 - (iv) In natural gas or liquefied natural gas stored in peak shaving facilities; and*
 - (v) In gasoline, diesel, kerosene or jet fuel (including fuels that have flammability*

hazard ratings of 1, 2, 3, or 4, as determined by using National Fire Protection Association (NFPA) 704: Standard System for the Identification of the Hazards of Materials for Emergency Response [2007 ed.], which is incorporated by reference at 27.204(a)(2)) stored in aboveground tank farms, including tank farms that are part of pipeline systems;

(2) Release-Toxic, Release-Flammable, and Release-Explosive Chemicals.

Except as provided in paragraph (c)(2)(i), in calculating whether a facility possesses an amount that meets the STQ for release-toxic, release-flammable, and release-explosive chemicals, a facility need not include release-toxic, release-flammable, or release-explosive chemicals of interest that a facility manufactures, processes or uses in a laboratory at the facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3.

- (i) This exemption does not apply to specialty chemical production; manufacture, processing, or use of substances in pilot plant scale operations; or activities, including research and development, involving chemicals of interest conducted outside the laboratory*

Sec. 27.205 Determination that a chemical facility “presents a high level of security risk.”

27.405 Review and preemption of State laws and regulations.

(a) As per current law, no law, regulation, or administrative action of a State or political subdivision thereof, or any decision or order rendered by a court under state law, shall have any effect if such law, regulation, or decision conflicts with, hinders, poses an obstacle to or frustrates the purposes of this regulation or of any approval, disapproval or order issued there under.

(1) Nothing in this part is intended to displace other federal requirements administered by the Environmental Protection Agency, U.S. Department of Justice, U.S. Department of Labor, U.S. Department of Transportation, or other federal agencies.

B. The pertinent DOT statutes are:

1. The Deepwater Port Act (DPA)

This law specifically assigns standards and regulations authority for deepwater ports to DOT, in cooperation with the Dept of the Interior . (See 33 USC 1520).

CHAPTER 29--DEEPWATER PORTS

Sec. 1501. Congressional declaration of policy

(a) It is declared to be the purposes of the Congress in this chapter to--

- (1) authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;*
- (2) provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development of such ports;*
- (3) protect the interests of the United States and those of adjacent coastal States in the location, construction, and operation of deepwater ports;*
- (4) protect the rights and responsibilities of States and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law;*
- (5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil or natural gas into the United States and transporting oil or natural gas from the outer continental shelf\I\ while minimizing tanker traffic and the risks attendant thereto; and*
- (6) promote oil or natural gas production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf\I\ oil or natural gas to the United States mainland.*

(b) The Congress declares that nothing in this chapter shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

1502. Definitions

- (5) “coastal environment” means the navigable waters (including the lands therein and thereunder) and the adjacent shorelines including ¹¹waters therein and thereunder). The term includes transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, and beaches; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources;*
- (6) “coastal State” means any State of the United States in or bordering on the Atlantic, Pacific, or Arctic Oceans, or the Gulf of Mexico;*

(7) “construction” means the supervising, inspection, actual building, and all other activities incidental to the building, repairing, or expanding of a deepwater port or any of its components, including, but not limited to, pile driving and bulkheading, and alterations, modifications, or additions to the deepwater port;

(8) “control” means the power, directly or indirectly, to determine the policy, business practices, or decision-making process of another person, whether by stock or other ownership interest, by representation on a board of directors or similar body, by contract or other agreement with stockholders or others, or otherwise;

(9) “deepwater port” —

(A) means any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and that are used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to any State, except as otherwise provided in section 1522 of this title, and for other uses not inconsistent with the purposes of this chapter, including transportation of oil or natural gas from the United States outer continental shelf;

(B) includes all components and equipment, including pipelines, pumping stations, service platforms, buoys, mooring lines, and similar facilities to the extent they are located seaward of the high water mark;

(C) in the case of a structure used or intended for such use with respect to natural gas, includes all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities that are proposed or approved for construction and operation as part of a deepwater port, to the extent that they are located seaward of the high water mark and do not include interconnecting facilities ; and

(D) shall be considered a “new source” for purposes of the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(10) “Governor” means the Governor of a State or the person designated by State law to exercise the powers granted to the Governor pursuant to this chapter;

(11) “licensee” means a citizen of the United States holding a valid license for the ownership, construction, and operation of a deepwater port that was issued, transferred, or renewed pursuant to this chapter;
waters and resources;

(13) “natural gas” means either natural gas unmixed, or any mixture of natural or artificial gas, including compressed or liquefied natural gas, natural gas liquids, liquefied petroleum gas, and condensate recovered from natural gas;

(14) “oil” means petroleum, crude oil, and any substance refined from petroleum or crude oil;

(15) “person” includes an individual, a public or private corporation, a partnership or other association, or a government entity;

(16) “safety zone” means the safety zone established around a deepwater port as determined by the Secretary in accordance with section 1509 (d) of this title;

(17) “Secretary” means the Secretary of Transportation;

Sec. 1520. Pipeline safety and operation

(a) Standards and regulations for Outer Continental Shelf

The Secretary, in cooperation with the Secretary of the Interior, shall establish and enforce such standards and regulations as may be necessary to assure the safe construction and operation of oil or natural gas pipelines on the Outer Continental Shelf.

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2. The Pipelines Safety Act (PSA) (49 USC 60101 et seq.)

The PSA specifically assigns regulatory jurisdiction over pipeline safety transportation to DOT. The PSA also establishes operational requirements for Offshore pipelines in 49 USC 60108:

Pipeline Facilities Offshore and in Other Waters. –

(1)

In this subsection -

(A) "abandoned" means permanently removed from service.

(B) "pipeline facility" includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)

(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of

-

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.

49 USC 60108 (c)

The PSA has only one reference to MMS in the Act in 49 USC 60133:

49 USC Sec. 60133 01/19/04

Sec. 60133. Coordination of environmental reviews

(a) Interagency Committee. -

(1) Establishment and purpose. - Not later than 30 days after the date of enactment of this section, the President shall establish an Interagency Committee to develop and ensure implementation of a coordinated environmental review and permitting process in order to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary. (2) Membership. - The Chairman of the Council on Environmental Quality (or a designee of the Chairman) shall chair the Interagency Committee, which shall consist of representatives of Federal agencies with responsibilities relating to pipeline repair projects, including each of the following persons (or a designee thereof):

(A) The Secretary of Transportation.

(B) The Administrator of the Environmental Protection Agency.

(C) The Director of the United States Fish and Wildlife Service.

(D) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(E) The Director of the Bureau of Land Management.

(F) The Director of the Minerals Management Service.

(G) The Assistant Secretary of the Army for Civil Works.

(H) The Chairman of the Federal Energy Regulatory Commission.

(3) Evaluation. - The Interagency Committee shall evaluate Federal permitting requirements to which access, excavation, and restoration activities in connection with pipeline repairs described in paragraph (1) may be subject. As part of its evaluation, the Interagency Committee shall examine the access, excavation, and restoration practices of the pipeline industry in connection with such pipeline repairs, and may develop a compendium of best practices used by the industry to access, excavate, and restore the site of a pipeline repair. (4) Memorandum of understanding. -

Based upon the evaluation required under paragraph (3) and not later than 1 year after the date of enactment of this section, the members of the Interagency Committee shall enter into a memorandum of understanding to provide for a coordinated and expedited pipeline repair permit review process to carry out the purpose set forth in paragraph (1). The Interagency Committee shall not enter into a memorandum of understanding under this paragraph except by unanimous agreement of the members of the Interagency Committee. (5) State and local consultation. - In carrying out this subsection, the Interagency Committee shall consult with appropriate State and local environmental, pipeline safety, and emergency response officials, and such other officials as the Interagency Committee considers appropriate. (b) Implementation. - Not later than 180 days after the completion of the memorandum of understanding required under subsection (a)(4), each agency represented on the Interagency Committee shall revise its regulations as necessary to implement the provisions of the memorandum of understanding. (c)

PIPES Act of 2006 Redline of 49 USC CHAPTER 601 - SAFETY

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This provision above was recently added by the Pipeline Safety Improvement Act of 2002 (PSIA; P.L. 107-355). The MOU required by this section was executed by the Federal Agencies in 2004. That MOU states in part:

The Department of Transportation (DOT), through its Research and Special Programs Administration (RSPA), is responsible for establishing safety standards for the nation's pipeline transportation system. RSPA carries out this responsibility through its Office of Pipeline Safety (OPS). OPS establishes and enforces minimum safety standards for the design, construction, operation and maintenance of pipeline facilities pursuant to 49 U.S.C. 60101 et seq.

The Minerals Management Service (MMS), within the Department of the Interior, is responsible for issuing and enforcing regulations to promote safe operations, environmental protection, and resource conservation on the Outer Continental Shelf (OCS). The MMS is responsible for granting rights-of-way through submerged lands of the OCS. In addition, the MMS regulates pipelines under the jurisdiction of the Department of the Interior in accordance with MMS policies, practices, and requirements issued under 30 CFR Part 250, Subpart J. MMS and DOT coordinate OCS pipeline inspection and repair activities in accordance with the 1996 MMS/DOT national Memorandum of Understanding and/or other regional agreements (e.g., the "Offshore California Pipeline Inspection Survey Plan" and its implementing Memorandum of Agreement) as applicable.

This MOU therefore, specifically states that it is in conformance with the 1996 DOI-DOT MOU as there appears to be an acceptance of the terms and conditions of that MOU. This 2004 MOU also reflects signatures of both DOT by Jeff Shane and DOI by Steven Griles. (May 18, 2004).

The OPS/DOT regulates natural Gas pipelines under 49 CFR Part 192:

§192.1 What is the scope of this part?

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas including pipeline facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

3. Hazardous Materials Transportation Act (HMTA) (49 USC 5101 et seq.)

The HMTA is also cited as authority for the DOT's pipeline safety regulations administered by the Office of Pipeline Safety (OPS) because the Secretary of Transportation is charged with authority to write regulations for Hazmat transportation.

*TITLE 49 - TRANSPORTATION
SUBTITLE III - GENERAL AND INTERMODAL PROGRAMS
CHAPTER 51 - TRANSPORTATION OF HAZARDOUS MATERIAL*

*Sec. 5126. Relationship to other laws
(b) Nonapplication. - This chapter does not apply to -
(1) a pipeline subject to regulation under chapter 601 of this title; or
(2) any matter that is subject to the postal laws and regulations of the United States under this chapter or title 18 or 39.*

There is no reference to DOI or MMS in this statute but only provides for DOT to administer the HMTA through PHMSA the same agency that regulates pipeline safety

C. Other Legislation;

1. Coastal Zone Management Act of 1972 (CZMA)

This law merely provides for certification and approval of State Management plans for their respective coastal zones by the Secretary of Commerce. It authorizes no operational regulations.

2. Natural Gas Act (NGA) (15 USC § 717 et seq.)

The NGA is a statute which provides independent authority to a Congressional Agency and therefore, no Federal Department has any authority over the provisions of the NGA. However, it appears that FERC does not have direct operational authority to directly regulate operations. Its purpose is to provide certificate authority, which is primarily ROW authority, and to determine just and reasonable rates for the sale and transportation of natural gas in interstate commerce. While FERC does have certificate authority, it does not provide for regulation of safety operation of OCS facilities.

There is also a 1993 MOU between DOT and FERC:

Purpose:

This purpose of this Memorandum of Understanding (MOU) between the Department of Transportation (Department) and the Federal Energy Regulatory Commission (Commission) is to provide guidance and set policy for their respective technical staffs and the regulated natural gas pipeline industry regarding the execution of the agencies respective statutory responsibilities to ensure the safe and environmentally sound siting, design, construction, operations, and maintenance of natural gas transportation facilities.

The Commission, under Section 7 of the Natural Gas Act (15 USC § 717 et seq.), issues certificates of public convenience and necessity with terms and conditions for facilities proposed for use in the sale for resale or transportation of natural gas in interstate commerce. As required by the National Environmental Policy Act (42 USC § 44321 et seq.), the Commission prepares environmental impact statements or environmental assessments for proposed natural gas transmission facilities in conjunction with the issuance of certificates.

Natural gas pipeline companies may also construct certain natural gas transmission facilities under Section 311 of the Natural Gas Policy Act (15 USC § 3301 et seq.). Facilities constructed under this section must comply with the environmental requirements of 18 CFR 157.206(d).

In addition, the Secretary of Energy under Section 3 of the Natural Gas Act (15 USC § 717 et seq.) has approval authority for the import and export of natural gas. The Secretary of Energy has delegated and assigned Section 3 authority to the Commission to approve gas import and export facilities and their siting.

This MOU acknowledges the Departments exclusive authority to promulgate Federal safety standards for facilities used in the transportation of natural gas. However, under the Natural Gas Act, the Commission exercises the authority over the siting of interstate natural gas transmission facilities and may impose conditions to mitigate the impact of construction or operation on the environment.

Responsibilities.

The Department and the Commission agree to the following program:

1. The Department shall:

a. Promptly alert the Commission when the Departments safety activities may impact the responsibilities of the Commission.

b. Establish a means to notify the Commission of major accidents (i.e., fatalities, multiple injuries requiring hospitalization, or property damage exceeding \$50,000) involving pipeline facilities under the jurisdiction of the Commission.

c. Establish a means to notify the Commission of significant enforcement actions involving pipeline facilities under the jurisdiction of the Commission.

d. Refer to the Commission, after screening, complaints and inquiries made by state and local governments and the general public involving environmental or certificate matters related to pipelines under the Departments jurisdiction.

e. When requested by the Commission, review draft mitigation conditions considered by the Commission for potential conflicts with the Departments regulations.

2. The Commission shall:

a. Promptly alert the Department when the Commission becomes aware of an existing or potential safety problem involving natural gas transmission facilities.

b. Establish a means to notify the Department of future pipeline construction, such as providing Notices of Applications for construction certification or certificate orders issued to companies that propose pipeline construction.

c. Periodically provide the Department with updates to the environmental compliance inspection schedule, and coordinate site inspections, upon request, with Department headquarters or regional offices.

d. Establish a means to notify the Department when significant safety issues have been raised during the preparation of environmental assessments or environmental impact statements.

e. Refer to the Department, after screening, complaints and inquiries made by state and local governments and the general public involving safety matters related to pipelines under the Commissions jurisdiction.

With respect to the Anti-Terrorism regulations of DHS, the Federal Energy Regulatory Commission (Commission) has issued a final rule in 18 CFR Part 388 amending its regulations for gaining access to critical energy infrastructure information (CEII). The final rule:

- modifies non-disclosure agreements;
- modifies the Commission's process to allow the CEII Coordinator to respond to CEII requests by letter;
- provides landowners access to alignment sheets for the routes across or in the vicinity of their properties;
- includes a fee provision;
- limits the portions of forms and reports the Commission defines as containing CEII;
- eliminates as a category of documents the Non-Internet Public designation;
- provides that the Commission will seek a requester's date and place of birth on a case-by-case basis rather than require that information with every request for CEII; and
- eliminates the request for social security numbers.

The rule became effective December 14, 2007.

3. National Environmental Policy Act (NEPA) (42 USC 4321-47)

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. The Act declares it a

national policy to "encourage productive and enjoyable harmony between man and the environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the Nation"
(42 USC 4321)

There is no indication that the agreements made in the MOU have been abrogated as provided for in the language of the MOU. (See for example, Section VI, Modification and Section VII, Termination)

Analysis of 1996 MOU between DOT and DOI:

Many companies and government agencies use a Memorandum of Understanding (MOU) to define a relationship between departments, agencies or closely held companies. These branches of the organization fall under similar control structures but need to ensure smooth operations where there are shared resources or workflows. However, initial research tends to say that an MOU is not legally enforceable.

In 1996, DOT and DOI entered into a revised MOU to replace the pre-existing May 6, 1976 MOU governing their respective responsibilities on the OCS. The intention was expressed in the Federal Register notice of February 14, 1997:

The MOU places, to the greatest extent practicable, producer Operated pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.....the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.¹²

¹² The full text of the 1996 MOU is contained in Appendix A

62 Fed Reg. No. 31 February 14, 1997.

The 1996 MOU correctly concluded that Congress intended to avoid duplication and conflict between Federal agencies having authority to regulate pipelines on the OCS;

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS.

Below are extracts of the pertinent sections of that MOU. The complete text is contained in Appendix A of these Comments.

II Authorities Section

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline.

DOI has responsibilities for promulgating and enforcing regulations for the promotion of safe operations, protection of the environment, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). DOI also has certain responsibilities for granting rights-of-way for the construction of pipelines and associated facilities on the OCS.

III Division of Responsibilities Section

DOI will consult with DOT during the development of regulatory requirements and will send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR is published in the Federal Register. DOT will consult with DOI during the development of regulatory requirements and will send a copy of each draft NPR concerning OCS pipelines to DOI for review at least 60 days before the NPR is published in the Federal Register.

IV. Joint Responsibilities Section

DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility by facility or area by area basis. Operators may also petition DOI and DOT for exceptions to this MOU.

DOI is authorized by DOT to perform coordinated OCS platform inspection tasks.

V. Limitations Section

Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of DOT or DOI until implementing regulations are adopted.

Panhandle Energy comprised of
Trunkline Gas Company
Sea Robin Pipeline Company
RIN 1010-AD11
March 14, 2008

VI. Modification Section

Either party to this agreement may propose modifications by submitting them in writing to the head of the other Department. No modification may be adopted except with the consent of both parties.

VII. Termination Section

This MOU may be terminated by either party upon 60-day written notice to the other party.

APPENDIX C – SIDE BY SIDE OF PROPOSED REGULATIONS VERSUS EXISTING REGULATIONS

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
GENERAL				
250.1000	Definitions			
	<p>Terms used in this subpart have the following meanings:</p> <p>Accessory means a platform, a major subsea manifold, or similar subsea structures attached to a ROW pipeline to support pump stations, compressors, manifolds, etc. The site used for an accessory is part of the pipeline ROW grant.</p> <p>Appurtenance means equipment, device, apparatus, or other object attached to or associated with a horizontal component or riser. Examples include anodes, valves, flanges, fittings, umbilicals, vortex-induced vibration (VIV) devices, subsea manifolds, templates, pipeline end modules (PLEM's), pipeline end terminals (PLET's), anode sleds, other sleds, and jumpers (other than jumpers connecting subsea wells to manifolds).</p> <p>Failure, when applied to a pipeline or safety system, means any condition of the pipeline or a safety system component that prevents the complete performance of its design and function.</p> <p>Horizontal component means a horizontal pipe that connects a pipeline riser, subsea wellhead or template, or pipeline to a pipeline riser, subsea wellhead or template, or pipeline (synonymous with the term "linepipe").</p> <p>Leak means the release of product from a pipeline.</p> <p>Live bottoms (low relief features) means sea grass communities; areas that contain biological assemblages consisting of sessile invertebrates and/or algae living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; and areas where a hard substrate and vertical relief may favor the accumulation of turtles, fishes, or other fauna. These features occur throughout the POCSR, in the Eastern Planning Area of the Gulf of Mexico, and in the Beaufort Sea in Alaska.</p> <p>Live bottoms (pinnacle trend features or seamounts) means small, isolated,</p>	NTL 2007-G09	<p>Accessory platform means a platform attached to a right-of-way (ROW) pipeline to support pump stations, compressors, manifolds, etc. The site used for an accessory platform is part of the pipeline ROW grant.</p>	<p>The following are new definitions (Not in 250.1001): Accessory, Appurtenance; Failure; Horizontal component; Leak; Live bottoms (low relief features); Live bottoms (pinnacle trend features or seamounts); MAOP; Military warning or water test area; New or Unusual technology; Potentially sensitive biological features; Production platform; Riser; Splash zone; Topographic Features.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>low to moderate relief carbonate reef features; outcrops of unknown origin; or hard substrates exposed by erosion that provide surface area for the growth of sessile invertebrates and/or algae, and attract large numbers of fish. These features occur in an area of topographic relief throughout the POCSR and AKOCSR, and in the northeastern portion of the western GOMR. In the POCSR and AKOCSR, these features include rocky reefs, rock outcrops, pinnacles or seamounts. In the GOMR, these features include pinnacle trend features.</p> <p>Maximum allowable operating pressure (MAOP) means the highest operating pressure allowable at any point in a pipeline.</p> <p>Military warning or water test area means an area on the OCS that is used by the U.S. Department of Defense for conducting various mission operations, including air-to-air gunnery, rocket and missile research and testing, sonar buoy operations, pilot training, and aircraft carrier operations.</p> <p>New or unusual technology means equipment or procedures that have:</p> <ol style="list-style-type: none"> (1) Not been used previously or extensively in an MMS OCS Region; (2) Not been used previously under the anticipated operating conditions; or (3) Operating characteristics that are outside the performance parameters established by this subpart. <p>Potentially sensitive biological features means those features not protected by an MMS biological lease stipulation that are of moderate to high relief (about 8 feet or higher), provide surface area for the growth of sessile invertebrates, and attract large numbers of fish. These features would be located outside any "No Activity Zone" of any of the named topographic features and would not be located on any live-bottom (pinnacle trend) stipulated blocks.</p> <p>Production platform means a platform on the OCS that receives hydrocarbon or sulphur production either directly from wells or from other platforms that produce hydrocarbons or sulphur from wells. It may include processing equipment for treating the production or separating it into its various liquid and gaseous components.</p> <p>Riser means a vertical conducting pipe that connects a horizontal component of a pipeline to equipment on a platform.</p> <p>Splash zone means that portion of a pipeline riser that is located between 20 feet above the maximum tide and 20 feet below the minimum tide.</p>			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p><i>Topographic features</i> means identified isolated areas of moderate to high relief that provide habitat for hard-bottom communities and numerous plant and animal species, and support, either as shelter or food, large numbers of commercially and recreationally important fishes.</p>		<p><i>Production facilities</i> means OCS facilities that receive hydrocarbon production either directly from wells or from other facilities that produce hydrocarbons from wells. They may include processing equipment for treating the production or separating it into its various liquid and gaseous components before transporting it to shore.</p>	
250.1001	<p>What general performance and recordkeeping requirements apply to OCS pipelines?</p>			
	<p>(a) Performance. You must design, construct, operate, maintain, inspect, and decommission all OCS pipelines, appurtenances, accessories, and safety system components in a manner that: (1) Conforms to the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), as amended, applicable implementing regulations, other applicable laws, approved applications, approved Development Operations Coordination Documents (DOCD) and Development and Production Plans (DPP), and lease provisions and stipulations; (2) Is safe;</p>	1000(a)	<p>Pipelines and associated valves, flanges, and fittings shall be designed, installed, operated, maintained, and abandoned to provide safe and pollution-free transportation of fluids in a manner which does not unduly interfere with other</p>	<p>New section, define performance and record keeping for OCS pipelines, appurtenances, accessories, and safety systems components for the life of the P/L unless otherwise specified. Make records available to MMS upon request. It must be made clear that for ROW pipelines, DOT</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	(3) Prevents unauthorized discharges; (4) Does not unreasonably interfere with other uses of the OCS, including those involved with national security or defense; and (5) Does not cause undue or serious harm or damage to the human, marine, or coastal environment.		uses in the Outer Continental Shelf (OCS).	requirements must be followed.
	(b) Records. You must retain all records related to the design, construction, operation, maintenance, testing, inspections, repairs, failures, and decommissioning of an OCS pipeline for as long as the pipeline remains in place, unless otherwise specified by the Regional Supervisor or in these regulations, and make them available to MMS upon request.			
250.1002	What are the types of OCS pipelines?			
	An OCS pipeline is either a lease term pipeline or an ROW pipeline.			The proposed rule defines OCS pipeline in this section as a lease term or ROW pipeline, vs. the existing rule defined ROW pipeline in the definitions section 250.1001. OCS pipelines were not clearly defined in the existing rule.
250.1003	Which departments have jurisdiction over OCS pipelines?			
	An OCS pipeline is under the jurisdiction of either the Department of the Interior (DOI) or the Department of Transportation (DOT).			The proposed rule defines an OCS pipeline can be under the jurisdiction of either the DOI or DOT
250.1004	What are the criteria for determining jurisdiction?			
	(a) DOI jurisdiction criteria. An OCS pipeline is under DOI jurisdiction if it is: (1) A lease term pipeline that is not subject to regulation under 49 CFR, parts 192 and 195, and does not cross into State waters; or (2) An ROW pipeline that is operated by an identified pipeline operator (the person or entity identified by the pipeline ROW holder as authorized to control or manage the pipeline's operations), and that is either: (i) A producing pipeline operator (the identified pipeline operator of an ROW pipeline that is a lessee or designated lease operator of one or more OCS leases), unless it is subject to regulation under 49 CFR, parts 192 and 195, and	1000	(6) Any producer operating a pipeline that crosses into State waters without first connecting to a transporting operator's facility on the OCS must comply with this subpart. Compliance must extend from the point where hydrocarbons are first produced, through and	This section is partially defined in the existing rule 250.1001. Petition to MMS to operate under DOT jurisdiction, or petition to MMS and DOT to operate under DOI jurisdiction

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>crosses into State waters; or (ii) A transporting pipeline operator (the identified pipeline operator of an ROW pipeline that is not a lessee or a designated lease operator of an OCS lease), and the pipeline is not subject to regulation under 49 CFR, parts 192 and 195.</p>		<p>including the last valve and associated safety equipment (e.g., pressure safety sensors) on the last production facility on the OCS.</p> <p>(7) Any producer operating a pipeline that connects facilities on the OCS must comply with this subpart.</p> <p>(8) Any operator of a pipeline that has a valve on the OCS downstream (landward) of the last production facility may ask in writing that the MMS Regional Supervisor recognize that valve as the last point MMS will exercise its regulatory authority.</p>	
		1001(1)	<p><i>DOI pipelines</i> include:</p> <p>(1) Producer-operated pipelines extending upstream (generally seaward) from each point on the OCS at which operating responsibility transfers from a producing operator to a transporting operator;</p> <p>(2) Producer-operated pipelines extending upstream (generally seaward) of the last valve (including associated</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>safety equipment) on the last production facility on the OCS that do not connect to a transporter-operated pipeline on the OCS before crossing into State waters;</p> <p>(3) Producer-operated pipelines connecting production facilities on the OCS;</p> <p>(4) Transporter-operated pipelines that DOI and DOT have agreed are to be regulated as DOI pipelines; and</p> <p>(5) All OCS pipelines not subject to regulation under 49 CFR parts 192 and 195.</p>	
	<p>(b) DOT jurisdiction criteria. An OCS pipeline that is not under DOI jurisdiction (see paragraph (a) of this section) is under DOT jurisdiction.</p>	<p>1000</p>	<p>(9) A pipeline segment is not subject to MMS regulations for design, construction, operation, and maintenance if:</p> <p>(i) It is downstream (generally shoreward) of the last valve and associated safety equipment on the last production facility on the OCS; and</p> <p>(ii) It is subject to regulation under 49 CFR parts 192 and 195.</p>	<p>The language in 250.1006 directly contradicts with the language in this section.</p>
		<p>1001</p>	<p><i>DOT pipelines</i> include:</p> <p>(1) Transporter-operated</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>pipelines currently operated under DOT requirements governing design, construction, maintenance, and operation;</p> <p>(2) Producer-operated pipelines that DOI and DOT have agreed are to be regulated under DOT requirements governing design, construction, maintenance, and operation; and</p> <p>(3) Producer-operated pipelines downstream (generally shoreward) of the last valve (including associated safety equipment) on the last production facility on the OCS that do not connect to a transporter-operated pipeline on the OCS before crossing into State waters and that are regulated under 49 CFR parts 192 and 195.</p>	
	<p>(c) <i>Jurisdiction transfer.</i> You may request that a pipeline under DOI jurisdiction be transferred to DOT jurisdiction, or that a pipeline under DOT jurisdiction be transferred to DOI jurisdiction, by submitting a written petition for approval to the Regional Supervisor and the DOT Office of Pipeline Safety (OPS) Regional Director. In the petition, you must provide sufficient justification for the transfer. The Regional Supervisor and the DOT OPS Regional Director will decide jointly whether to approve the petition.</p>	<p>1000</p>	<p>(4) The transfer point serves as a regulatory boundary. An operator may write to the MMS Regional Supervisor to request an exception to this requirement for an individual facility or area. The Regional Supervisor, in consultation</p>	<p>The proposed regulations do not state the basis the RS will use to determine jurisdiction, does not provide for consultation with DOT and does not outline an operators course of action if there is disagreement with RS.</p>

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			<p>with the OPS Regional Director and affected parties, may grant the request.</p> <p>(12) A producer may request that its pipeline operate under DOT regulations governing pipeline design, construction, operation, and maintenance.</p> <p>(i) The operator's request must be in the form of a written petition to the MMS Regional Supervisor that states the justification for the pipeline to operate under DOT regulation.</p> <p>(ii) The Regional Supervisor will decide, on a case-by-case basis, whether to grant the operator's request. In considering each petition, the Regional Supervisor will consult with the Office of Pipeline Safety (OPS) Regional Director.</p> <p>(13) A transporter who operates a pipeline regulated by DOT may request to operate under MMS regulations governing pipeline operation and maintenance. Any subsequent repairs or modifications will</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>also be subject to MMS regulations governing design and construction.</p> <p>(i) The operator's request must be in the form of a written petition to the OPS Regional Director and the MMS Regional Supervisor.</p> <p>(ii) The MMS Regional Supervisor and the OPS Regional Director will decide how to act on this petition.</p>	
250.1005	What are the requirements regarding jurisdiction transfer points?			
	<p>(a) <i>Jurisdiction transfer point.</i> For each applicable pipeline, you must meet the requirements of this paragraph (a).</p> <p>(1) You must identify the specific point at which regulatory jurisdiction transfers from DOI to DOT, or from DOT to DOI, by:</p> <p>(i) Durably marking an above-water jurisdiction transfer point or, if that is not practical, identifying the transfer point on a schematic; or</p> <p>(ii) Identifying an underwater jurisdiction transfer point on a schematic.</p> <p>(2) You must keep the schematics referenced in paragraph (a)(1) of this section at the nearest OCS facility and make them available to MMS upon request.</p>	1000(3)	<p>A producing operator must identify for its own records, on all existing pipelines located on its lease or right-of-way, the specific points at which operating responsibility transfers to a transporting operator.</p> <p>(i) Each producing operator must, if practical, durably mark all of its above-water transfer points by April 14, 1999 or the date a pipeline begins service, whichever is later.</p> <p>(ii) If it is not practical to durably mark a transfer point, and the transfer point is located above water, then the operator must identify the transfer point on a schematic</p>	<p>The proposed rule defines the transfer point is defined in the existing rule under 250.1000 (c)(3). Identify specific point at which regulatory jurisdiction transfers from/to DOI from/to DOT by marking P/L or identifying point on a schematic. Retain schematics and make available to MMS upon request</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns												
			located on the facility. (iii) If a transfer point is located below water, then the operator must identify the transfer point on a schematic and provide the schematic to MMS upon request.													
	(b) Jurisdiction transfer point disagreement. If the lessee(s), designated lease operator(s), or pipeline ROW holder(s) of connecting pipelines cannot agree upon a transfer point, the Regional Supervisor and the DOT OPS Regional Director will jointly determine the jurisdiction transfer point.	1000(3)	(iv) If adjoining producing and transporting operators cannot agree on a transfer point by April 14, 1999, the MMS Regional Supervisor and the Department of Transportation (DOT) Office of Pipeline Safety (OPS) Regional Director may jointly determine the transfer point.													
250.1006	When must I submit the applications, requests, plans and reports, and make the notifications required by this subpart?															
	(a) Applications and requests. For all OCS pipelines you must submit applications to MMS, and receive approvals, according to the following table: <table border="1" data-bbox="226 1052 1073 1427"> <thead> <tr> <th data-bbox="226 1052 474 1149">Application or request</th> <th data-bbox="474 1052 695 1149">Required by</th> <th data-bbox="695 1052 938 1149">When to submit</th> <th data-bbox="938 1052 1073 1149">Total number of copies</th> </tr> </thead> <tbody> <tr> <td data-bbox="226 1149 474 1305">(1) Transfer jurisdiction</td> <td data-bbox="474 1149 695 1305">§ 250.1004(c)</td> <td data-bbox="695 1149 938 1305">Before jurisdiction can be transferred from DOI to DOT, or from DOT to DOI</td> <td data-bbox="938 1149 1073 1305">1 to MMS. 1 to OPS.</td> </tr> <tr> <td data-bbox="226 1305 474 1427">(2) New pipeline</td> <td data-bbox="474 1305 695 1427">§ 250.1007(a)</td> <td data-bbox="695 1305 938 1427">Before you install, maintain, or operate a new pipeline</td> <td data-bbox="938 1305 1073 1427">3</td> </tr> </tbody> </table>	Application or request	Required by	When to submit	Total number of copies	(1) Transfer jurisdiction	§ 250.1004(c)	Before jurisdiction can be transferred from DOI to DOT, or from DOT to DOI	1 to MMS. 1 to OPS.	(2) New pipeline	§ 250.1007(a)	Before you install, maintain, or operate a new pipeline	3	1000(b)	An application must be accompanied by payment of the service fee listed in §250.125 and submitted to the Regional Supervisor and approval obtained before: (1) Installation, modification, or abandonment of a lease term pipeline; (2) Installation or modification of a right-of-way (other than lease term) pipeline; or (3) Modification or	This section is partially defined in the existing rule 250.1007 and .1008. Submit applications, reports, and forms, make notifications. This section is a general table of reporting requirements. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affected states. Repair of pipelines should be excluded from this requirement if
Application or request	Required by	When to submit	Total number of copies													
(1) Transfer jurisdiction	§ 250.1004(c)	Before jurisdiction can be transferred from DOI to DOT, or from DOT to DOI	1 to MMS. 1 to OPS.													
(2) New pipeline	§ 250.1007(a)	Before you install, maintain, or operate a new pipeline	3													

Proposed Section Number	Proposed Text				Current Section Number	Current Text	Issues and Concerns
	(3) Modify a pipeline	§ 250.1093(a), (b)	Before you conduct operations to modify a pipeline	3		relinquishment of a pipeline right-of way. an operator has documented repair processes and procedures that have been reviewed by MMS and/or DOT. Additionally, submitting reports “before you conduction any repair” will only impede the repair work being done and potentially impact supply deliverability and reliability. The word “all” in (a) implies that DOT transmission pipelines would be required to do everything outlined in the table. Does MMS mean for this to apply to “all” OCS pipelines including DOT gas transmission lines, or only DOI jurisdictional pipelines. If the intent is for “all” OCS pipelines, including DOT transmission lines, it contradicts the language in section 250.1004 (b). PE believes to be consistent with 1004(b), the language should read “all DOI OCS pipelines”. It should be made clear as to who the copies go to in the last column of the table.	
	(4) Repair a pipeline	§ 250.1095(a)	Before you conduct any repair work on a pipeline	1			
	(5) Decommission a pipeline in place	§ 250.1109(a)(1)	Before you conduct operations to decommission a pipeline in place	3			
	(6) Decommission a pipeline by removal	§ 250.1109(a)(2)	Before you conduct operations to decommission a pipeline by removal	3			
	(7) Re-commission a decommissioned pipeline	§ 250.1113(a)(1)	Before you re-commission a decommissioned pipeline	1			
	(8) Accessory	§ 250.1141(a)	Before you install, operate, and maintain an accessory to an ROW pipeline	3			
	(9) Modify an accessory	§ 250.1146	Before you conduct operations to modify an accessory	3			
	(10) Decommission an accessory-Initial	§ 250.1147 (see § 250.1726)	In the POCSR and AKOCSR, at least 2 years before you decommission an	1			

Proposed Section Number	Proposed Text				Current Section Number	Current Text	Issues and Concerns
	(11) Decommission an accessory-Final	§ 250.1147 (see § 250.1727)	accessory Before you decommission an accessory	2			
	(b) Pipeline ROW grant applications and requests. For ROW pipelines, you must submit the following applications and requests to MMS, and receive approvals, in addition to those listed in paragraph (a) of this section:				1000	(d) A pipeline which qualifies as a right-of-way pipeline (see §250.1001, Definitions) shall not be installed until a right-of-way has been requested and granted in accordance with this subpart.	
Application or request	Required by	When to submit	Total number of copies				
(1) Obtain a pipeline ROW grant	§ 250.1125(a)	Before you install, maintain, or operate an ROW pipeline	1 original and 2 copies.				
(2) Modify a pipeline ROW grant	§ 250.1132(a)	Before you can modify a pipeline ROW grant	1 original and 2 copies.				
(3) Assign a pipeline ROW grant	§ 250.1134(a)	Before you can assign a pipeline ROW grant	2 executed originals.				
(4) Relinquish a pipeline ROW grant	§ 250.1136(a)	Before you can relinquish a pipeline ROW grant	1 original and 2 copies.				
	(c) Notifications. You must make notifications to MMS according to the following table:				1008	(a) The lessee, or right-of-way holder, shall notify the Regional Supervisor at least 48 hours prior to commencing	
	Notification	Under section	When to notify				
(1) Pipeline	§ 250.1041(a),	At least 48 hours before you					

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	construction	using Form MMS-153	commence pipeline construction.	1010	the installation or relocation of a pipeline or conducting a pressure test on a pipeline.	
(2) Discovery of archaeological resource	§ 250.1049(d)	Immediately.	(c) The lessee or right-of-way holder shall report to the Regional Supervisor any pipeline taken out of service. If the period of time in which the pipeline is out of service is greater than 60 days, written confirmation is also required.			
(3) Hydrostatic pressure test	§ 250.1058(b), using Form MMS-153	At least 48 hours before you conduct a hydrostatic pressure test on a pipeline.	(d) The lessee or right-of-way holder shall report to the Regional Supervisor when any required pipeline safety equipment is taken out of service for more than 12 hours. The Regional Supervisor shall be notified when the equipment is returned to service.			
(4) Safety equipment failure or removal	§ 250.1069(b) and 250.1085(a)	In the GOMR, when the safety equipment remains out of service for 12 hours. Immediately in the POCSR and AKOCSR.	(c) If the right-of-way holder discovers any archaeological resource while conducting operations within the right-of-way, the right-of-way holder shall immediately halt operations within the area of the discovery and report the discovery to the Regional			
(5) Corrective action	§ 250.1069(d)	Immediately when you repair or replace safety equipment and resume operating the pipeline, or when you have provided an equivalent degree of protection and resume operating the pipeline.				
(6) Return safety equipment to service	§ 250.1085(c)	Immediately when you return out-of-service safety equipment to service or when you provide an equivalent degree of protection.				
(7) Pipeline leak	§ 250.1088(b)	Immediately or as soon as practicable after you discover that a pipeline has leaked.				
(8) Pipeline relocation	§ 250.1093(e), using Form	At least 48 hours before you begin the work to relocate a				

Proposed Section Number	Proposed Text				Current Section Number	Current Text	Issues and Concerns
		MMS-153	pipeline.			Director. If investigations determine that the resource is significant, the Regional Director will inform the right-of-way holder how to protect it.	
	(9) Lapse of financial security for a pipeline ROW grant	§ 250.1121(b)	Within 72 hours after the security lapses.				
	(10) Sabotage or subversive activity	§ 250.1131(k)	Immediately upon discovery.				
	(d) Plans and Reports. You or the Certified Verification Agent (CVA), as appropriate, must submit plans and reports to MMS according to the following table:				1008	(b) The lessee or right-of-way holder shall submit a report to the Regional Supervisor within 90 days after completion of any pipeline construction. The report, submitted in triplicate, shall include an “as-built” location plat drawn to a scale specified by the Regional Supervisor showing the location, length in Federal waters, and X-Y coordinates of key points; the completion date; the proposed date of first operation; and the HPT data. Pipeline right-of-way “as-built” location plats shall be certified by a registered engineer or land surveyor and show the boundaries of the right-of-way as granted. If there is a substantial deviation of the pipeline route as granted in the right-of-way, the report	Industry does not believe the reporting deadlines should be accelerated. Industry has a challenge meeting the current deadlines.
	Plan/Report	Under section	When to submit	Total number of copies			
	(1) Pipeline construction, including pressure test results	§ 250.1051(a)	Within 45 calendar days after you complete pipeline construction	3			
	(2) Design verification plans for pipeline risers connected to floating platforms	§ 250.1053(a)	At least 30 calendar days before you submit the associated pipeline application	1			
	(3) Fabrication verification plans for pipeline risers connected to floating platforms	§ 250.1053(b)	At least 30 calendar days before you submit the associated pipeline application	1			
	(4) Installation verification plans for pipeline risers	§ 250.1053(c)	At least 30 calendar days before you submit the	1			

Proposed Section Number	Proposed Text				Current Section Number	Current Text	Issues and Concerns
	connected to floating platforms		associated pipeline application			<p>shall include a discussion of the reasons for such deviation.</p> <p>(c) The lessee or right-of-way holder shall report to the Regional Supervisor any pipeline taken out of service. If the period of time in which the pipeline is out of service is greater than 60 days, written confirmation is also required.</p> <p>e) The lessee or right-of-way holder must notify the Regional Supervisor before the repair of any pipeline or as soon as practicable. Your notification must be accompanied by payment of the service fee listed in §250.125. You must submit a detailed report of the repair of a pipeline or pipeline component to the Regional Supervisor within 30 days after the completion of the repairs. In the report you must include the following:</p> <ul style="list-style-type: none"> (1) Description of repairs; (2) Results of pressure test; and (3) Date returned to service. 	
	(5) Interim CVA reports for pipeline risers connected to floating platforms	§ 250.1054(c); § 250.1055(d); § 250.1056(d)	CVA submits during each verification phase	1			
	(6) Final CVA design reports for pipeline risers connected to floating platforms	§ 250.1054(d)	CVA submits within 90 calendar days of receipt of the design data, or within 90 calendar days after MMS approval to act as a CVA, whichever is latest, and before fabrication begins	1			
	(7) Final CVA fabrication reports for pipeline risers connected to floating platforms	§ 250.1055(e)	CVA submits within 90 calendar days after completion of fabrication, and before installation	1			
	(8) Final CVA installation reports for pipeline risers connected to floating platforms	§ 250.1056(e)	CVA submits within 45 calendar days after pipeline installation	1			
	(9) Directed pressure test	§ 250.1060(d)	As directed by the Regional	As directed by the			

Proposed Section Number	Proposed Text				Current Section Number	Current Text	Issues and Concerns
			Supervisor	Regional Supervisor		(h) The results and conclusions of measurements of pipe-to-electrolyte potential measurements taken annually on DOI pipelines in accordance with §250.1005(b) of this part shall be submitted to the Regional Supervisor by the lessee before March of each year.	
(10) Out-of-service pipeline	§ 250.1086(d)	Within 48 hours after a pipeline is deemed to be out of service	1				
(11) Out-of-service pipeline reactivation, including pressure test results	§ 250.1086(g)	Within 30 calendar days after you reactivate a pipeline that has been out of service	1				
(12) Flaring/venting operations	§ 250.1089(b)	Within 72 hours after completing flaring or venting operations	1				
(13) Pipeline modification, including pressure test results	§ 250.1093(f)	Within 30 calendar days after you complete the pipeline modification	1				
(14) Pipeline repair, including pressure test results	§ 250.1095(e)	Within 30 calendar days after you complete a repair	1				
(15) Flexible joint inspections	§ 250.1102(b)	Within 30 calendar days after you complete the inspection	1				
(16) Pipe-to-electrolyte potential measurements	§ 250.1102(d)	No later than October 31 of the same year, or within 60	1				

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			calendar days of the measurements, whichever is earlier				
	(17) Additional inspections and surveys	§ 250.1103(a) through (f)	As directed by the Regional Supervisor	1			
	(18) Pipeline decommissioning	§ 250.1111	Within 30 calendar days after you complete the decommissioning	1			
	(19) Decommissioned pipeline re-commissioning, including pressure test results	§ 250.1113(b)	Within 30 calendar days after you complete the re-commissioning	1			
	(20) Accessory installation	§ 250.1144	Within 45 calendar days after you complete accessory installation	3			
	(21) Accessory inspections	§ 250.1145(a)(2)	By November 1 of each year	1			
	(22) Accessory decommissioning	§ 250.1147 (see § 250.1729)	Within 30 calendar days after you decommission an accessory	2			
	(23) Accessory site clearance	§ 250.1147 (see § 250.1743(b))	Within 30 calendar days after you conduct site	2			

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	clearance verification operations									
Applications for New Pipelines										
250.1007	How do I apply for approval for a new pipeline?									
	Before you install, maintain, or operate a new pipeline (including a jumper), or a pipeline you create with a combination of new pipe and existing pipe, you must submit three copies of a pipeline application to the Regional Supervisor for approval. If you prefer to submit all or part of your pipeline application electronically (see § 250.186(a)(3)), you should consult with the Regional Supervisor for further guidance.	LTL 1991	Please allow at least 30 days for the processing of applications for the approval of the installation of a lease term or ROW pipeline and the granting of a pipeline ROW.							
	(a) Application contents. (1) Your application must include the information described in § 250.1014 through 250.1030. (2) The Regional Supervisor may require you to include additional information, if necessary, to assist in evaluating your pipeline application. (3) The Regional Director may require less information or analysis than you otherwise must provide in your pipeline application when: (i) Sufficient information or analysis is readily available to MMS; (ii) Other coastal or marine resources are not present or affected; or (iii) Other factors, such as technological advances, affect information needs.									
	(b) Where to submit the application. You must submit a pipeline application to one of the MMS Regional offices shown in the following table.									
	<table border="1"> <thead> <tr> <th>For OCS areas adjacent to the . . .</th> <th>Submit your application to . . .</th> </tr> </thead> <tbody> <tr> <td>(1) State of Alaska</td> <td>Minerals Management Service, Alaska OCS Region (AKOCSR), Regional Supervisor, Field Operations.</td> </tr> <tr> <td>(2) Atlantic Coast States and in the Gulf of Mexico</td> <td>Minerals Management Service, Gulf of Mexico OCS Region (GOMR), Regional Supervisor,</td> </tr> </tbody> </table>	For OCS areas adjacent to the . . .	Submit your application to . . .	(1) State of Alaska	Minerals Management Service, Alaska OCS Region (AKOCSR), Regional Supervisor, Field Operations.	(2) Atlantic Coast States and in the Gulf of Mexico	Minerals Management Service, Gulf of Mexico OCS Region (GOMR), Regional Supervisor,			
For OCS areas adjacent to the . . .	Submit your application to . . .									
(1) State of Alaska	Minerals Management Service, Alaska OCS Region (AKOCSR), Regional Supervisor, Field Operations.									
(2) Atlantic Coast States and in the Gulf of Mexico	Minerals Management Service, Gulf of Mexico OCS Region (GOMR), Regional Supervisor,									

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	(3) States of California, Oregon, Washington, or Hawaii	Field Operations. Minerals Management Service, Pacific OCS Region (POCSR), Chief, Office of Facilities, Safety & Enforcement.			
	(c) <i>Withdrawal after submission.</i> You may withdraw your pipeline application at any time, and for any reason, by notifying the Regional Supervisor in writing.				(c) New section. This section is partially defined in the approved current notice 250.1007. Submit application to install new P/L, including exceptions/departures, consents and notices, federal/state permits, agreements, reports, attachments. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affected states.
250.1008	Where must I send copies of my pipeline application?				
	(a) <i>Impacted leases and pipeline ROW grants.</i> When you submit a pipeline application to MMS, you must provide a copy of the pipeline application to each lessee or designated lease operator of an existing lease, and to each holder of a pipeline ROW grant (active or terminated) that could be impacted by your proposed pipeline construction or towing operations.		1015	(c) The application shall include a list of every lessee and right-of-way holder whose lease or right-of-way is intersected by the proposed right-of-way. The application shall also include a statement that a copy of the application has been sent by registered or certified mail to each such lessee or right-of-way holder.	This section is partially defined in a similar way in the approved current notice 250.1007 (4) (iii) and (iv). Submit applications, reports, and forms, make notifications. This section is a general table of reporting requirements. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affected states.
	(b) <i>Affected States.</i> Unless the proposed operations described in your pipeline application are under a general concurrence from the affected State, when you submit a new ROW pipeline application to MMS you must provide each affected State with all of the following:				

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	<p>(1) A copy of the pipeline application. Pursuant to 43 CFR part 2, Appendix E, MMS has determined that none of the information included in an ROW pipeline application is proprietary. Therefore, you must not exclude any information from the copies of the application you submit to affected States.</p> <p>(2) A consistency certification (see 15 CFR 930.57).</p> <p>(3) All necessary data and information (see 15 CFR 930.58).</p>			
250.1009	How does MMS process a pipeline application?			
	<p>The Regional Supervisor determines whether the application is complete, accurate, and fulfills the requirements of this subpart. If the Regional Supervisor determines that your application does not meet these conditions, the Regional Supervisor will notify you of the problem or deficiency. The Regional Supervisor will not begin final review of your application until it is complete.</p>			<p>MMS should put a self imposed deadline of how long it will take to approve an application.</p>
	<p>(a) Compliance review. The Regional Supervisor will ensure that your proposed operations conform to the OCSLA (43 U.S.C.1331, <i>et seq.</i>), as amended; other applicable laws; and applicable MMS regulations.</p>			
	<p>(b) Environmental impact evaluation. The Regional Supervisor will evaluate the environmental impacts of your proposed operations, and prepare environmental documentation under NEPA (42 U.S.C. 4321, <i>et seq.</i>) and its implementing regulations (40 CFR parts 1500 through 1508).</p>	1016	<p>(a) In considering an application for a right-of-way, the Regional Supervisor shall consider the potential effect of the associated pipeline on the human, marine, and coastal environments, life (including aquatic life), property, and mineral resources in the entire area during construction and operational phases. The Regional Supervisor shall prepare an environmental analysis in accordance with applicable policies and guidelines. To aid in the evaluation and</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>determinations, the Regional Supervisor may request and consider views and recommendations of appropriate Federal Agencies, hold public meetings after appropriate notice, and consult, as appropriate, with State agencies, organizations, industries, and individuals. Before granting a pipeline right-of-way, the Regional Supervisor shall give consideration to any recommendation by the intergovernmental planning program, or similar process, for the assessment and management of OCS oil and gas transportation.</p>	
	<p>(c) Amendments. During the review of your pipeline application, the Regional Supervisor may require you, or you may elect, to change your pipeline application.</p>			<p>(c) New section, amend or change pending new P/L application. This section is partially defined in the approved current notice 250.1007. Submit applications, reports, and forms, make notifications. This section is a general table of reporting requirements. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affected states.</p>
250.1010	<p>What conditions must my pipeline application meet?</p> <p>The Regional Supervisor will approve your pipeline application only if you</p>			

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	<p>satisfy all of the criteria in this section.</p> <p>(a) You must obtain the Regional Supervisor's approval of either a DOCD or DPP that covers the structure at the originating end of the pipeline (e.g., platform, well, subsea skid), if the proposed pipeline is a lease term pipeline (see § 250.1015(b)).</p>	LTL 1991	<p>An application for the installation of a lease term pipeline will not be approved until the platform upon which the proposed pipeline is to originate is described in detail in an approved Development Operations Coordination Document.</p>	<p>250.1010 (a) Reference to Development Operations Coordination Document or Development and Production Plan. 250.1010(d)(1) New section, impacted lessees, designated lease operators, or P/L ROW grant holders submit return receipt/photocopy, letter of no objection to P/L applicant or comments to MMS. 250.1010(e) requires to submit application to modify existing P/L, including exceptions/departures, notices, reports, work plan, all required information, etc. 250.1010 (g) New section, reference to demonstrating oil spill financial responsibility. 250.1010(h) Reference to H2S contingency plans/report.</p>
	<p>(b) You must provide the Regional Supervisor with a copy of your approved State permit (see § 250.1016(c)), if the proposed pipeline will enter or cross any State submerged lands.</p>	1016	<p>(b) Should the proposed route of a right-of-way adjoin and subsequently cross any State submerged lands, the applicant shall submit evidence to the Regional Supervisor that the State(s) so affected has reviewed the application. The applicant shall also submit any comment received as a result of that review. In the event of</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
		LTL 1991	<p>objection may be submitted in lieu of the return receipts.</p> <p>(2) The Regional Supervisor shall not take final action on a right-of-way application until the Regional Supervisor is satisfied that each such lessee or right-of-way holder has been afforded at least 30 days from the date determined in paragraph (c)(1) of this section in which to submit comments.</p> <p>The list required by this paragraph may show the designated operator(s) in lieu of lessees if such operator has been designated as an agent of the lessee(s) and is authorized to receive notice.</p>	
	<p>(e) If the proposed pipeline will terminate or originate at a new hot tap or other connection on the OCS, the lessee, designated lease operator, or pipeline ROW holder of the receiving or delivering pipeline must first obtain approval from the Regional Supervisor to modify their pipeline.</p>			
	<p>(f) For ROW pipeline and new accessory installation applications, either: (1) All affected States with approved CZMA programs have concurred, or have been conclusively presumed to concur, with your coastal zone consistency certification in your pipeline application under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA) (16 U.S.C. 1456(c)(3)(A)); or (2) The Secretary of Commerce finds, under section 307(c)(3)(A) of the CZMA (16 U.S.C.1456(c)(3)(A)), that the proposed ROW pipeline operations</p>			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	or new accessory installation are consistent with the objectives of CZMA, or are otherwise necessary in the interest of national security.			
	(g) For ROW pipeline applications, you must demonstrate oil spill financial responsibility (OSFR) as required by 30 CFR 253.13, if applicable (see § 250.1029).			
250.1011	What can I do if an affected State objects to my ROW pipeline application?			
	For ROW pipeline and new accessory installation applications, if an affected State objects to the coastal zone consistency certification in your application, you may follow the procedures in either paragraph (a) or (b) of this section.			
	(a) You may amend your application to accommodate the State's objection, and submit the amendment to the Regional Supervisor for approval and to the affected State for its consistency determination. The amendment need only address information related to the State's objection.			1011(a), (b)(2) New section; notify MMS to withdraw application for new P/L, amend or change pending new P/L application.
	(b) You may appeal the State's objection to the Secretary of Commerce using the procedures in 15 CFR part 930, subpart H. The Secretary of Commerce will either: (1) Grant your appeal by finding, under section 307(c)(3)(B)(iii) of CZMA (16 U.S.C. 1456(c)(3)(B)(iii)) that the proposed operations are consistent with the objectives of CZMA, or are otherwise necessary in the interest of national security; or (2) Deny your appeal, in which case you may either amend your application under paragraph (a) of this section or withdraw your application and not conduct the proposed operations.			
250.1012	How will the Regional Supervisor notify me of the decision on my pipeline application?			
	After review and evaluation, the Regional Supervisor will notify you in writing whether your pipeline application is approved or disapproved.			New, the propose rule is part of the application submission process to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc.. See

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
				earlier comment on MMS self imposed deadline.
	(a) The Regional Supervisor will approve your pipeline application if it complies with all applicable requirements; and will inform you of any conditions that you may be required to meet. In the approval letter, the Regional Supervisor will assign a unique MMS pipeline segment number that you must use in all subsequent correspondence regarding the pipeline.	1016	(e)(1) If the application and other required information are found to be in compliance with applicable laws and regulations, the right-of-way may be granted. The Regional Supervisor may prescribe, as conditions to the right-of-way grant, stipulations necessary to protect human, marine, and coastal environments, life (including aquatic life), property, and mineral resources located on or adjacent to the right-of-way. (2) If the Regional Supervisor determines that a change in the application should be made, the Regional Supervisor shall notify the applicant that an amended application shall be filed subject to stipulated changes. The Regional Supervisor shall determine whether the applicant shall deliver copies of the amended application to other parties for comment.	
	(b) The Regional Supervisor will disapprove your pipeline application if the proposed operations would probably cause serious harm or damage (and you cannot amend the proposed pipeline operations to avoid such conditions) to	1016	(e)(3) A decision to reject an application shall be in writing and shall state the reasons for	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns					
	life (including fish or other aquatic life), property, any mineral (in areas leased or not leased), the national security or defense, or the marine, coastal, or human environment. The Regional Supervisor will provide the reason(s) for disapproving your pipeline application in writing.		the rejection.						
250.1013	When may the Secretary cancel approval of a pipeline application?								
	The Secretary may cancel approval of your pipeline application upon your request, or if pipeline operations under the application are in suspension or temporary prohibition (see § 250.1091) for at least 5 years (see section 5(a)(2) of the OCSLA (43 U.S.C. 1334(a)(2)). To cancel approval under this section, the Secretary must determine after a hearing that all of the following conditions are met:	1017	(a) Failure to construct the associated right-of-way pipeline within 5 years of the date of the granting of a right-of-way shall cause the grant to expire.	New section , request the Secretary to cancel P/L application approval.					
	(a) Continued operation under the approved pipeline application would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral resources (in areas leased or not leased); the national security or defense, or the marine, coastal, or human environment;								
	(b) The threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and								
	(c) The advantages of cancellation outweigh the advantages of continuing the pipeline application in force.								
Pipeline Application Contents									
250.1014	General information								
	<p>You must provide the following general information:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">You must provide a(n) . . .</td> <td style="width: 33%; padding: 5px;">That includes. . .</td> <td style="width: 33%; padding: 5px;">and. . .</td> </tr> <tr> <td style="padding: 5px;">(a) Cover letter</td> <td style="padding: 5px;">(1) The name of the company and the name, title, and signature of the company representative filing the application; and (2) A statement that</td> <td></td> </tr> </table>	You must provide a(n) . . .	That includes. . .	and. . .	(a) Cover letter	(1) The name of the company and the name, title, and signature of the company representative filing the application; and (2) A statement that			The proposed rule provided the general information for the pipeline application is partially defined in 250.1005.
You must provide a(n) . . .	That includes. . .	and. . .							
(a) Cover letter	(1) The name of the company and the name, title, and signature of the company representative filing the application; and (2) A statement that								

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		you are applying for approval of the pipeline in accordance with § 250.1007				
	(b) List of contacts	The name and MMS operator number of the company filing the application, and the company's managerial, regulatory, and technical representatives who the Regional Supervisor can contact while processing the application	For each contact, you must include the: (1) Company name; (2) Business and postal address; (3) Telephone number; (4) Telefax number; and (5) E-mail address.			
	(c) Indication of the pipeline type	An indication whether the proposed pipeline will be a lease term pipeline type or an ROW pipeline				
	(d) Indication of the pipeline jurisdiction	An indication whether the proposed pipeline will be under the jurisdiction of DOI or DOT	If you wish petition to transfer jurisdiction from DOI to DOT or to transfer jurisdiction from DOT to DOI (see § 250.1004(b)), you may include the request in your pipeline application.			
	(e) Tentative schedule for conducting pipeline operations	The date your installation operations will begin and end	The date you will place the pipeline into service.			
	(f) New or unusual	A statement whether you will or will not use a new	If you will use new or unusual technology,			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	technology statement	or unusual technology to carry out your proposed pipeline operations	provide a narrative description of the technology and the rationale for its selection.			
	(g) Payment	Payment of a nonrefundable service fee (see § 250.125 for amount)	If the application is for a lease term pipeline.			
250.1015	Other general information.					
	If your proposed pipeline operations meet any of the criteria in the following table, you must provide the indicated information:					The proposed rule is partially provided in 250.1000 (13), as part of the application submission process to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc..
	If . . .		You must provide. . .			
	(a) You are applying for an ROW pipeline	A statement that certifies that you have an approved National Pollutant Discharge Elimination System (NPDES) permit, or that you have applied for an NPDES permit that covers your proposed pipeline operations.				
	(b) You are applying for lease term pipeline in the GOMR	The MMS assigned control number for the DOCD or DPP that a covers or will cover your proposed pipeline operations. If you have not submitted the DOCD or DPP, you must provide the date you intend to submit the document or plan to the GOMR.				
	(c) You are applying for an ROW pipeline and you propose to use	A description of the additional measures you will use.				

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns						
	measures beyond those required by this part to minimize or mitigate environmental impacts		2002-G03	<u>Supervisory Control and Data Acquisition (SCADA) Systems</u> NTL Not Included Here							
	(d) Your pipeline will operate in a sour environment	A certification that the pipeline is designed in accordance with the requirements in § 250.1035.									
	(e) You will install a supervisory control and data acquisition(SCADA) system	A brief description of the system.									
250.1016	Information regarding other agencies and entities.										
	If your proposed pipeline operations meet any of the criteria in the following table, you must provide the indicated information:		2007-G20	All Gulf States, all Atlantic States, and Puerto Rico have approved CZMP's. Title 15 CFR 930.53(a) requires all State agencies to develop a list of Federal license or permit activities that affect any coastal use or resource, including reasonably foreseeable effects outside of its coastal zone, and which the State agency wishes to review for consistency with its CZMP. This list must be included as part of each State's CZMP, and the Federal license or permit activities must be described in terms of the specific licenses or permits	250.1016 (h) New section, impacted lessees, designated lease operators, or P/L ROW grant holders submit return receipt/photocopy, letter of no objection to P/L applicant or comments to MMS. The rest are general application submission process to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc..						
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;">For each . . .</th> <th style="width:50%;">You must provide . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="212 849 678 1222">(a) ROW pipeline and new accessory installation</td> <td data-bbox="678 849 1081 1222">(1) Coastal zone consistency certification according to 15 CFR 930.57 for each affected State; and (2) Evidence that you sent your pipeline or accessory application, consistency certification (see 15 CFR 930.57), and all necessary data and information (see 15 CFR 930.58) to each affected State for their CZMA consistency determination.</td> </tr> <tr> <td data-bbox="212 1222 678 1427">(b) ROW pipeline, if the routes of the vessels and aircraft you will use to support your proposed pipeline operations are located in or could traverse established military warning or water test areas</td> <td data-bbox="678 1222 1081 1427">(1) An identification of the warning and water test area(s); and (2) A certification that, before you begin pipeline construction operations, you will contact the military installation with</td> </tr> </tbody> </table>					For each . . .	You must provide . . .	(a) ROW pipeline and new accessory installation	(1) Coastal zone consistency certification according to 15 CFR 930.57 for each affected State; and (2) Evidence that you sent your pipeline or accessory application, consistency certification (see 15 CFR 930.57), and all necessary data and information (see 15 CFR 930.58) to each affected State for their CZMA consistency determination.	(b) ROW pipeline, if the routes of the vessels and aircraft you will use to support your proposed pipeline operations are located in or could traverse established military warning or water test areas	(1) An identification of the warning and water test area(s); and (2) A certification that, before you begin pipeline construction operations, you will contact the military installation with
For each . . .	You must provide . . .										
(a) ROW pipeline and new accessory installation	(1) Coastal zone consistency certification according to 15 CFR 930.57 for each affected State; and (2) Evidence that you sent your pipeline or accessory application, consistency certification (see 15 CFR 930.57), and all necessary data and information (see 15 CFR 930.58) to each affected State for their CZMA consistency determination.										
(b) ROW pipeline, if the routes of the vessels and aircraft you will use to support your proposed pipeline operations are located in or could traverse established military warning or water test areas	(1) An identification of the warning and water test area(s); and (2) A certification that, before you begin pipeline construction operations, you will contact the military installation with										

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		jurisdiction over the area concerning the control of electromagnetic emissions and the use of vessels and aircraft in the area.		<p>involved. All of the Gulf States and some of the Atlantic States have identified OCS ROW pipeline applications as a “listed” activity requiring consistency review. Therefore, the MMS GOMR will not approve an ROW pipeline application until each such affected State has (1) given a general concurrence for the activities (see 15 CFR 930.53(b)), or (2) concurred with the consistency certification accompanying the application, or (3) been conclusively presumed to concur with the certification accompanying the application. The following procedures apply only to this “listed” activity. Please refer to 15 CFR 930.54 for requirements for monitoring “unlisted” Federal license or permit activities. Procedures A. Preliminary State Agency Guidance</p>	
(c) Proposed pipeline that will enter into or cross State offshore waters	A copy of the approved permit from that State. ¹				
(d) Proposed pipeline that will enter into or cross any safety fairway or anchorage area	A copy of the approved U.S. Army Corps of Engineers permit. ¹				
(e) Proposed pipeline that will enter into an existing OCS lease, or whose construction operations could impact lease operations (e.g., placing anchors on the lease)	OCS area and block designations, OCS lease number, and name of the lessee or designated lease operator for each impacted lease.				
(f) Proposed pipeline that will cross, or whose construction operations could impact an existing ROW pipeline or a decommissioned pipeline (i.e., placing anchors or routing the pipeline across or within 500 feet of an existing ROW pipeline)	OCS area and block designations of the crossing or impact point, and name of the pipeline ROW holder.				
(g) Proposed pipeline that will originate or terminate at an existing valve or hot tap assembly	(1) OCS area and block designations of the tie-in point(s); and (2) Name of the lessee or designated lease operator if a connecting pipeline is a lease term pipeline; or the name of the pipeline ROW holder if a connecting pipeline is an ROW pipeline.				
(h) Proposed pipeline you identified	A photocopy of a return receipt or a				

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	pursuant to paragraphs (e), (f), and (g) of this section	letter of no objection that indicates the date that the lessee, designated lease operator, or pipeline ROW holder received a copy of your pipeline application by registered or certified mail (or equivalent). ¹		<p>Title 15 CFR 930.56 encourages you to consult with the appropriate State agency on the necessary data and information (see 15 CFR 930.58) that each State agency requires you to submit with your ROW pipeline application and for other assistance. Such consultation may serve to expedite the State's coastal zone consistency determination. As part of its assistance efforts, the State agency must make copies of its CZMP document available to you and identify any enforceable policies applicable to the proposed activity.</p> <p>B. Submitting OCS ROW Pipeline Applications and Consistency Certifications At the same time you submit an ROW pipeline application to the MMS GOMR, provide each affected Gulf or Atlantic State (unless the application has been granted a general concurrence)</p>	
<p>¹ If this document is not available when you submit your application, you may submit the document later.</p>					

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>with (1) a copy of the pipeline application, (2) a consistency certification (see 15 CFR 930.57), and (3) all necessary data and information (see 15 CFR 930.58). This requirement applies to all new ROW pipeline applications <i>except</i> those that involve conversion of an existing lease term pipeline to an ROW pipeline, or that involve a new ROW grant for an existing pipeline. This requirement does <i>not</i> apply to applications to modify an existing ROW pipeline <i>except</i> those that involve either (1) the installation of additional pipe (except those modifications that involve only minor reconfiguration of existing pipelines), (2) the installation of a <i>new</i> accessory platform, (3) changing the product from gas to oil, or (4) changing the onshore support base from one affected State to another.</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>Please note that this process differs from the process outlined for OCS plans at 15 CFR 930, Subpart E, in which MMS sends each affected State a copy of the information required for consistency review]. Pursuant to 43 CFR Part 2, Appendix E, section (4), the MMS GOMR has determined that none of the information included in an ROW pipeline application is considered privileged or confidential. Therefore, do not exclude any information in the copy of the application you submit to the affected State. See Appendix A of this NTL for information on determining affected States, filing fees, and a list of Gulf and Atlantic State agencies responsible for making CZM consistency determinations. See Appendix B of this NTL for a suggested format for your consistency certifications. In each copy of either an application for new ROW</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>pipeline or an application to modify an existing ROW pipeline that meets one of the criteria in the preceding paragraph that you submit to the MMS GOMR, include (1) a copy of your consistency certification and (2) evidence that you have sent the information listed in the preceding paragraph to each affected State. You do not need to include the necessary data and information required by 15 CFR 930.58 in the copy of your application that you send to the MMS GOMR.</p> <p>C. State Agency Review State agency review begins when the State agency receives a copy of your ROW pipeline application, the consistency certification, and the necessary data and information required pursuant to 15 CFR 930.58. Therefore, you should send this information to the State agency and provide the original delivery</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>receipt with your pipeline application or as a subsequent amendment to your application to verify the date the State received it. The affected State will determine if it has all the information it needs to begin review and has 30 days from the date of receipt to determine completeness (see 15 CFR 930.60(a)(1)). If you do not submit the consistency certification or all of the necessary data and information, the State must notify you and MMS of any deficiencies and whether the consistency review has commenced. If an affected State has not issued its decision within 3 months after the beginning of its consistency review, it must notify you and the MMS of the status of its review and the basis for any further delay (see 15 CFR 930.62(b)). If they do not provide this review status timely, concurrence is conclusively presumed.</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>State agency concurrence or objection must be received on or before the last day of the six-month review period (15 CFR 930.62(a)), and any objection must be based upon enforceable policies of the affected State's CZMP. Concurrence by a State agency is conclusively presumed if the State agency's response is not received within six months following commencement of its review.</p> <p>D. Approval of OCS ROW Pipeline Applications by the MMS</p> <p>If the State agency issues a concurrence or is conclusively presumed to concur with your consistency certification, the MMS GOMR may approve the ROW pipeline application.</p> <p>However, even though a State agency concurs with a consistency certification, the MMS GOMR will not approve the application if it does not</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
		<p>NTL 1991</p>	<p>comply with MMS regulatory requirements. If the State agency objects to your consistency certification, the MMS GOMR cannot approve the ROW pipeline application. In this event, you can amend or resubmit your application, adopt an alternative suggested by the State agency, abandon the project, or appeal the State agency objection to the Secretary of Commerce under 15 CFR 930, Subpart H. Role of MMS The purpose of this NTL is to inform you of the requirements of the CZMA regulations at 15 CFR 930, Subpart D, and to facilitate your compliance with these regulations as they pertain to OCS ROW pipelines. However, in issuing this NTL, the MMS GOMR is not making a legal determination as to which States are affected States or on any other issue regarding CZMA</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns				
			<p>compliance. MMS in no way guarantees that your adherence to the guidance in this NTL will ensure your compliance with the CZMA. Therefore, we advise you to consult the complete text of the CZMA and implementing regulations and confer with the affected States to ensure your compliance with CZMA consistency requirements.</p> <p>If a proposed lease term pipeline will cross an existing pipeline ROW, the application required by this paragraph shall include proof that the holder of each such pipeline ROW has been notified.</p>					
250.1017	Location information.							
	<p>(a) You must provide the following location information:</p> <table border="1" data-bbox="243 1149 1066 1422"> <thead> <tr> <th data-bbox="243 1149 659 1182">You must provide . . .</th> <th data-bbox="659 1149 1066 1182">That must . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1182 659 1422">(1) A location plat based on the North American Datum of 1927 (NAD 27) for the GOMR (Gulf) and POCSR, and the North American Datum of 1983 (NAD 83) for the AKOCSR and GOMR (Atlantic), with a minimum scale of 1 inch = 2,000 feet</td> <td data-bbox="659 1182 1066 1422">Include the information listed in paragraph (b) of this section.</td> </tr> </tbody> </table>	You must provide . . .	That must . . .	(1) A location plat based on the North American Datum of 1927 (NAD 27) for the GOMR (Gulf) and POCSR, and the North American Datum of 1983 (NAD 83) for the AKOCSR and GOMR (Atlantic), with a minimum scale of 1 inch = 2,000 feet	Include the information listed in paragraph (b) of this section.	NTL 98-09	<p>Effective April 1, 1997, you will submit proposed and as-built pipeline route data in digital format to the GOMR in accordance with 30 CFR 250.1007(a)(1) and 30 CFR 250.1008(b). This NTL describes the acceptable file format and the timing for the submittal of pipeline location</p>	<p>This section is general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders,</p>
You must provide . . .	That must . . .							
(1) A location plat based on the North American Datum of 1927 (NAD 27) for the GOMR (Gulf) and POCSR, and the North American Datum of 1983 (NAD 83) for the AKOCSR and GOMR (Atlantic), with a minimum scale of 1 inch = 2,000 feet	Include the information listed in paragraph (b) of this section.							

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	<p>(2) An Electronic file of the digital coordinates of a sufficient number of points to provide an accurate representation of the entire route of the proposed pipeline, including turns and umbilicals</p>	<p>Be in decimal degree latitude and longitude and based on NAD 27 for the GOMR (Gulf) and POCSR, and NAD 83 for the AKOCSR and GOMR (Atlantic). The Regional Supervisor will specify the file format for providing this information.</p>		<p>data to the GOMR. This pipeline location data must be submitted in decimal degree latitude and longitude based on the North American Datum (NAD) of 1927. Data collected as NAD 83 must be submitted as NAD 27 equivalents derived using NADCON software, version 2.0 or better. Pursuant to 30 CFR 250.1007(a)(1), you will submit to the GOMR, Office of Field Operations, Pipeline Section, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, MS 5232, a 3 ½-inch diskette containing the digital coordinates of key points of proposed pipeline routes in a fixed format ASCII file, with all applications for new lease term and right-of-way pipelines and applications to modify the routes of existing pipelines, submitted in accordance with 30 CFR 250.1000(b). Applications to modify the routes of existing pipelines will include digital location data for the entire pipeline segment, including</p>	<p>and affect States.</p>
	<p>(3) Information on the proposed locations of the origin, termination, and inclusive OCS blocks traversed by the pipeline route (4) The total length (feet) of the proposed pipeline excluding risers, the length in Federal waters (feet), and the length in State waters (feet), if applicable</p>	<p>Include, if applicable, the OCS area, block number, and lease number.</p>			

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			<p>the modified portion. The location data must include sufficient points to provide an accurate representation of the proposed route, including turns. The format of the ASCII file for proposed pipeline routes is outlined in the attached Appendix titled "Format for GOMR Pipeline Route Data Files."</p> <p>Pursuant to 30 CFR 250.1008(b), you will submit the digital as-built coordinates of key points of new or recently modified pipeline routes in a fixed format ASCII file. The as-built data for modified pipelines will include data for the entire pipeline segment, including the modified portion. As-built location data can be submitted to the GOMR via e-mail at pipeline_unit@mms.gov or via regular mail on 3 1/2-inch diskette. The format of the ASCII file for as-built pipeline routes is outlined in the attached Appendix.</p> <p>We encourage you to submit the required digital pipeline as-built data to the GOMR as</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
		<p>LTL 1991</p>	<p>soon as possible after the pipeline is laid, prior to submittal of the final pipeline construction report, so that it can be provided to the oil and gas industry and the general public. The final pipeline construction report for new and modified pipelines, including the certified location plat, will continue to be due no later than 90 days after completion of pipeline construction in accordance with 30 CFR 250.1008(b). The pipeline construction report will certify the accuracy of the previously submitted digital as-built pipeline location data. Three copies of the pipeline construction report are required.</p> <p>For a pipeline greater than 5,000 feet in length, the minimum scale for the plat required by this paragraph shall be 1 inch = 2,000 feet. For a pipeline 5,000 feet or less in length, the minimum scale shall be 1 inch = 1,000 feet. The plat shall not be a copy that has been enlarged</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>or reduced.</p> <p>The plat required by this paragraph shall identify the operator or holder and the designation of all platforms and pipelines connected to or crossed by the proposed pipeline. It shall also identify all safety fairways and anchorage areas that the proposed pipeline will enter or cross and show the x-y coordinates and latitude and longitude of each of the following key points: where the proposed pipeline crosses a fairway, anchorage area, or lease boundary; the location of subsea valves, taps, tie-ins, and manifold assemblies; the location of pipeline crossings, pipeline end-points, and points throughout a pipeline's change of direction; and where the pipeline crosses into State jurisdiction.</p> <p>Each plat included in the report required by this paragraph which depicts a lease term pipeline shall be certified by a registered engineer or land surveyor.</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			The plat certifications for both lease term and ROW pipelines shall certify the location of the pipeline as laid, not the location of the lay barge or buoys.	
	<p>(b) The location plat required by paragraph (a)(1) of this section must do all of the following:</p> <ol style="list-style-type: none"> (1) Identify the lessee, designated lease operator, or pipeline ROW holder. (2) Show OCS area, block, and lease designations. (3) Show the pipeline route from origination to termination, including the plant or refinery, if applicable. It must also show flow direction and, if an ROW pipeline, the 200-foot pipeline ROW and any site for an accessory. (4) Show the routes and flow directions of all umbilicals. (5) Identify all platforms (including accessories) and pipelines (MMS-assigned segment numbers) that your proposed pipeline will connect to, cross, or otherwise impact. (6) Identify all safety fairways, anchorage areas, and military warning or water test areas that are within 500 feet of the center line of the proposed pipeline. (7) Show the burial depth (feet) of the pipeline along its entire length. (8) Show the water depth (feet) along the entire length of the pipeline. (9) Depict the water depth (feet), X-Y coordinates, and decimal degree latitude and longitude of each of the following key points: <ol style="list-style-type: none"> (i) Locations of the originating and terminating structures; (ii) Points where the proposed pipeline crosses a fairway, an anchorage area, or a lease or block boundary; (iii) Locations of subsea valves, flanges, hot taps, tie-ins, anode sleds, connecting sleds (including PLEM's and PLET's), manifolds (including those that are accessories), and other appurtenances; (iv) Locations of pipeline crossings; (v) Points throughout the curvature of a turn; and (vi) Point where the pipeline enters into State jurisdiction, if applicable. (10) Include a certification by a registered engineer or land surveyor that the information on the plat is accurately represented. 	1007(a)(1)	(1) Plat(s) drawn to a scale specified by the Regional Supervisor showing major features and other pertinent data including area, lease, and block designations; water depths; route; length in Federal waters; width of right-of-way, if applicable; connecting facilities; size; product(s) to be transported with anticipated gravity or density; burial depth; direction of flow; X-Y coordinates of key points; and the location of other pipelines that will be connected to or crossed by the proposed pipeline(s). The initial and terminal points of the pipeline and any continuation into State jurisdiction shall be accurately located even if the pipeline is to have an onshore terminal point. A plat(s) submitted for a pipeline right-of-way shall bear a signed certificate upon its face by the	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
			engineer who made the map that certifies that the right-of-way is accurately represented upon the map and that the design characteristics of the associated pipeline are in accordance with applicable regulations.							
	(c) For each ROW pipeline, you must provide a map at an appropriate scale that shows the: (1) Proposed pipeline route relative to the shoreline, the onshore support base you will use, and the proposed primary transportation routes for your support vessels and aircraft; and (2) Distance to shore (miles) of the pipeline route origination and termination points.									
250.1018	Origination and termination information.									
	You must provide origination and termination information as indicated in the following table: <table border="1" data-bbox="243 935 1066 1424"> <thead> <tr> <th data-bbox="243 935 474 1000">Type of information</th> <th data-bbox="474 935 684 1000">When required</th> <th data-bbox="684 935 1066 1000">Contents</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1000 474 1424">(a) General information on the facilities where the proposed pipeline will originate and terminate</td> <td data-bbox="474 1000 684 1424">In all cases</td> <td data-bbox="684 1000 1066 1424">(1) The type of structure (i.e., platform, well jacket or caisson, subsea well, manifold, tie-in, or blind flange); (2) MMS-assigned name of the structure (if applicable); (3) OCS area and block designations; (4) OCS lease number (if applicable); (5) Distance to shore (miles); (6) Water depth (feet); (7) Whether the structure is manned or unmanned; and (8) If the facility is equipped with</td> </tr> </tbody> </table>	Type of information	When required	Contents	(a) General information on the facilities where the proposed pipeline will originate and terminate	In all cases	(1) The type of structure (i.e., platform, well jacket or caisson, subsea well, manifold, tie-in, or blind flange); (2) MMS-assigned name of the structure (if applicable); (3) OCS area and block designations; (4) OCS lease number (if applicable); (5) Distance to shore (miles); (6) Water depth (feet); (7) Whether the structure is manned or unmanned; and (8) If the facility is equipped with	LTL 1991	The schematic drawing required by this paragraph shall be accompanied by a drawing that shows how each pipeline riser will be protected from physical damage and a discussion of any flexible pipe that will be used including the name of the manufacturer and the design specifications.	250.1018 is continuation of 1017. 250.1018 (c)(5) New , requires submitting review by third-party verification agent under API Spec 17J.
Type of information	When required	Contents								
(a) General information on the facilities where the proposed pipeline will originate and terminate	In all cases	(1) The type of structure (i.e., platform, well jacket or caisson, subsea well, manifold, tie-in, or blind flange); (2) MMS-assigned name of the structure (if applicable); (3) OCS area and block designations; (4) OCS lease number (if applicable); (5) Distance to shore (miles); (6) Water depth (feet); (7) Whether the structure is manned or unmanned; and (8) If the facility is equipped with								

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(b) Riser design information for each pipe diameter	If the pipeline will connect at a platform, well jacket, or caisson	<p>a pig launcher/receiver, a description of its major features and rating.</p> <p>(1) Design life (years); (2) Outside diameter (inches); (3) Wall thickness (inches); (4) Pipe grade; (5) Hydrostatic test pressure (psi) and duration (hours); (6) Type and thickness (mils) of the external corrosion coating; (7) Type and thickness (mils) of the external corrosion coating in the splash zone; (8) Type and thickness (mils) of the internal corrosion coating; (9) Type of riser, e.g., fixed, catenary, top tension, flexible; (10) Type, pressure rating (psi), and, if applicable, the de-rated pressure rating (psi) of the insulating flange; and (11) Whether the riser can be inspected using in-line inspection tools (e.g., smart pigs).</p>			
	(c) Non-traditional pipe	If you plan to use any non-traditional pipe (e.g., flexible pipe) to construct the riser	(1) The name and a description of the non-traditional pipe; (2) The manufacturer's design specification sheet; (3) The design pressure (psi); (4) An identification of the design standards you used; and (5) A review by a third-party verification agent (specified in			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			API Spec 17J (incorporated by reference as specified in § 250.198), where applicable) if you intend to use any unbonded flexible pipe.			
	(d) Riser guard design	In all cases	A drawing that shows how you will protect the riser(s) from physical damage that could result from contact with floating vessels.			
	(e) Catenary and other non-traditional riser	If the riser will be a catenary or other non-traditional design	(1) Design fatigue life (years) of the riser and the fatigue point at which you would replace the riser; (2) Identification of the design standards you used; and (3) Type and rating of the connecting device you will use;			
	(f) Subsea manifold	If the proposed pipeline will originate or terminate at a subsea manifold	A diagram of the facility showing its major features including: (1) Pressure rating (psi) of the pressure limiting component; (2) Type of exterior protective coating; and (3) Description of the cathodic protection system.			
	(g) Subsea tie-in	If the proposed pipeline will originate or terminate at a subsea tie-in	Information about the tie-in that includes: (1) Type of tie-in assembly (existing valve or new hot tap); (2) MMS-assigned pipeline segment number of the delivering or receiving pipeline; (3) MAOP (psi) of the delivering or receiving pipeline; and (4)			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			Schematic drawing of the tie-in assembly.			
	(h) Subsea blind flange	If the pipeline will originate or terminate at a subsea blind flange	Information about the blind flange that includes the: (1) Type; (2) Pressure rating (psi); and (3) If applicable, the de-rated pressure rating (psi).			
	(i) Other appurtenances and other accessories	If the pipeline will include any equipment, device, apparatus, or other object not described in paragraphs (e) through (h) of this section	Information about the appurtenance that includes: (1) Description of the appurtenance; (2) Schematic drawings showing the arrangement and orientation of the appurtenances; and (3) For subsea manifolds, pipeline end modules (PLEM's), and pipeline end terminals (PLET's), a diagram of the appurtenance showing its major features and dimensions, pressure rating (psi), and type of exterior protective coating, and a description of the cathodic protection system.			
250.1019	Horizontal component and appurtenances information.					
	You must provide horizontal component and appurtenances information as indicated in the following table:			1007	3) General information as follows: (i) Description of cathodic protection system. If pipeline anodes are to be used, specify the type, size, weight, number, spacing, and anticipated life;	250.1019 is a continuation of 250.1018, for information requesting of horizontal component and appurtenances
	Type of information	When required	Required data elements			
	(a) Pipeline internal design pressure	For all pipelines	(1) Internal design pressure (psi) you calculated; (2) Formula you used to			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			<p>calculate the internal design pressure; (3) Design factors you used in calculating the internal design pressure; and (4) Calculations you performed to derive the internal design pressure for each pipe diameter and wall thickness.</p>		<p>(ii) Description of external pipeline coating system; (iii) Description of internal protective measures; (iv) Specific gravity of the empty pipe; (v) MSP; (vi) MAOP and calculations used in its determination; (vii) Hydrostatic test pressure, medium, and period of time that the line will be tested; (viii) MAOP of the receiving pipeline or facility, (ix) Proposed date for commencing installation and estimated time for construction; and (x) Type of protection to be afforded crossing pipelines, subsea valves, taps, and manifold assemblies, if applicable.</p> <p>(4) The application must include a description of any additional design precautions which will be taken to enable the pipeline to withstand the effects of water currents, storm or ice scouring, soft bottoms, mudslides, earthquakes, permafrost, and</p>	
	(b) Pipeline collapse design pressure	For all pipelines to be installed in water depths greater than 1000 feet	<p>(1) External pressure on the pipe in (psi); (2) Collapse design pressure (psi) you calculated; (3) Formula you used to calculate the external design pressure; (4) Collapse factor you used in calculating the external design pressure; (5) Calculations you performed to derive the external design pressure for each pipe diameter and wall thickness; and (6) Description of any collapse arrestors you intend to install or other mitigation you intend to use.</p>			
	(c) Horizontal component design	For all pipelines, for each pipe diameter incorporated in the horizontal component of the pipeline	<p>(1) Design life (years); (2) Pipe outside diameter (inches); (3) Pipe wall thickness (inches); (4) Pipe grade; (5) Bare pipe and weighted pipe specific gravities, and a statement (based on stability analysis)</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			<p>that the pipeline will remain stable following installation; (6) Type of welds (e.g., longitudinal, electrical resistance welded (ERW), submerged arc welded (SAW), seamless); (7) Hydrostatic test pressure (psi) and test duration (hours); (8) Type and thickness (mils) of the external corrosion coating; (9) Type and thickness (mils) of the internal corrosion coating; (10) Density (pounds/cubic foot) and thickness (inches) of the concrete weight coating; and (11) Statement indicating whether or not the pipe can be inspected using in-line inspection tools (e.g., smart pigs).</p>	1007	<p>other environmental factors.</p>	
(d) Non-traditional pipe	<p>If you plan to use any non-traditional pipe (e.g., coiled tubing, flexible pipe, unbonded flexible pipe) to construct the horizontal component</p>	<p>(1) Name and a description of the non-traditional pipe; (2) Manufacturer's design specification sheet; (3) Design pressure (psi); (4) Identification of the design standards you used; and (5) Review by a third-party independent verification agent (specified in API Spec 17J (incorporated by</p>	<p>If your application involves using unbonded flexible pipe, you must:</p> <p>(i) Review the manufacturer's Design Methodology Verification Report, and the independent verification agent's (IVA's) certificate for the design methodology contained in that report, to ensure that the manufacturer has complied with the requirements of API Spec 17J incorporated by</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			reference as specified in § 250.198), where applicable) if you intend to use any unbonded flexible pipe.	NTL 1991	<p>reference as specified in 30 CFR 250.198;</p> <p>(ii) Determine that the unbonded flexible pipe is suitable for its intended purpose on the lease or pipeline right-of-way;</p> <p>(iii) Submit to the MMS Regional Supervisor the manufacturer's design specifications for the unbonded flexible pipe; and</p> <p>(iv) Submit to the MMS Regional Supervisor a statement certifying that the pipe is suitable for its intended use, and that the manufacturer has complied with the IVA requirements of API Spec 17J incorporated by reference as specified in 30 CFR 250.198.</p> <p>The following formula is used to calculate the cathodic protection life expectancy of a DOI pipeline:</p> <p>LIFE EXPECTANCY (YEARS) = $\frac{3.82 \times 10^4 \times w}{D \times I \times R}$</p> <p>where:</p>	
	(e) Pipeline cathodic protection system	If you plan to install a cathodic protection system that uses bracelet anodes	(1) Anode composition; (2) Design anode life expectancy (years); (3) Formula and calculations you used to determine the design life of your anodes; (4) Anode consumption rate (pounds/amp/year); (5) Net weight per anode (pounds); (6) Anode interval (feet); and (7) Number of anodes.			
	(f) Non-traditional cathodic protection system	If you plan to install a cathodic protection system that does not use bracelet anodes	(1) Specify and describe the system; and (2) Provide the applicable information from paragraph (e) of this section, and the information and calculations you used to show that your pipeline is cathodically protected.			
	(g) Pipeline valves and flanges	If you plan to install a valve or flange on the horizontal component (not at the originating or terminating points) as an appurtenance to the pipeline	Information about each valve or flange that includes the: (1) Type; (2) Pressure rating (psi); and (3) If applicable, the de-rated pressure rating (psi).			
	(h) Umbilicals	If you plan to	A drawing that shows: (1)			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		install umbilicals as appurtenances to the pipeline	Types of umbilicals (e.g., electrical, hydraulic, chemical) you plan to install; (2) Configuration of the umbilicals in the bundle; (3) Length (feet) and outside diameter (inches) of the bundle; and (4) Any associated umbilical termination assemblies.		<p>w = Weight of unit anodes (lbs) D = Diameter of pipe (inches) I = Interval -- length of pipe (ft) / total number of anodes R = Rate of consumption (lbs/amp-year) -- The values of R for the various galvanic anode alloys are obtained from Table 1.B of NACE Standard RPO176-83.</p>	
	(i) Other appurtenances	If you plan to install any equipment, device, apparatus, or other object not described in paragraphs (e) through (h) of section	Information about each appurtenance that includes: (1) Description of the appurtenance; (2) Schematic drawings showing the arrangement and orientation of the appurtenances; and (3) For subsea manifolds, pipeline end modules (PLEM's), and pipeline end terminals (PLET's), a diagram of the appurtenance showing its major features and dimensions, pressure rating (psi), type of exterior protective coating, and a description of the cathodic protection system.			
	(j) Pipeline crossings	If the pipeline will cross any existing pipeline, umbilical, power or	(1) MMS-assigned segment number of the pipeline or umbilical (if applicable) to be crossed; (2) OCS area and block designations of the			

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		communication cable, or other structure or object	crossing location; (3) Description of the method you will use to separate the pipeline from the existing structure or object and the separation distance (inches); (4) Water depth (feet) at the pipeline crossing; (5) Indication of the presence or absence of H ₂ G ₄ S in the crossed pipeline; and (6) Diagram that shows a profile of the crossing that includes the depth of cover (feet).			
250.1020	Schematic flow diagram.					
	You must provide a schematic flow diagram of the proposed pipeline that is consistent with the diagram(s) required by § 250.802(e)(1) through (3), as appropriate, and that shows:		1007	(a)(2) A schematic drawing showing the size, weight, grade, wall thickness, and type of line pipe and risers; pressure-regulating devices (including back-pressure regulators); sensing devices with associated pressure-control lines; PSV's and settings; SDV's, FSV's, and block valves; and manifolds. This schematic drawing shall also show input source(s), e.g., wells, pumps, compressors, and vessels; maximum input pressure(s); the rated working pressure, as specified by ANSI or API, of all valves, flanges, and	New section , general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States.	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>fittings; the initial receiving equipment and its rated working pressure; and associated safety equipment and pig launchers and receivers. The schematic must indicate the point on the OCS at which operating responsibility transfers between a producing operator and a transporting operator.</p>	
	(a) All pressure sensing devices and associated control lines;			
	(b) All pressure safety valves (PSVs) and settings;			
	(c) All shutdown valves (SDVs), flow safety valves (FSVs), and block valves;			
	(d) All pressure-regulating devices (including back-pressure regulators);			
	(e) Any subsea manifolds, PLEMs and PLETs, and other appurtenances;			
	(f) Input source(s) (e.g., wells, pumps, compressors, and vessels) and the maximum source pressure (MSP) (psi) of each;			
	(g) Flow direction (or predominate direction for bi-directional flow);			
	(h) Safety equipment for the input source;			
	(i) Rated working pressure (psi) of all valves and flanges;			
	(j) Any specification (spec) breaks;			
	(k) Initial receiving equipment, vessel, or pipeline, and its rated working pressure (psi) or MAOP (psi);			
	(l) Pig launchers and receivers;			
	(m) Calculated MAOP (psi) of the proposed pipeline;			
	(n) MMS-assigned segment number and approved MAOP (psi) of any connecting pipeline; and			
	(o) The transfer point where jurisdiction changes between DOI and DOT, if applicable.			
250.1021	Shallow hazards information.			
	You must provide information on shallow hazards as indicated in the following table:	1007	(a)(5) The application shall include a shallow hazards	New section , general requirement to submit application to install new

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns								
	<table border="1"> <thead> <tr> <th data-bbox="245 383 441 443">Type of information</th> <th data-bbox="447 383 684 443">When required</th> <th data-bbox="690 383 1066 443">Contents</th> </tr> </thead> <tbody> <tr> <td data-bbox="245 448 441 686">(a) Shallow hazards survey report</td> <td data-bbox="447 448 684 686">For ROW pipelines in the GOMR, and for all pipelines in the POCSR and AKOCSR</td> <td data-bbox="690 448 1066 686">Shallow hazards survey report of the proposed pipeline route based on information obtained from the shallow hazards survey (see § 250.1032(a)). The Regional Supervisor will specify requirements for preparing the report.</td> </tr> <tr> <td data-bbox="245 691 441 1055">(b) Shallow hazards analysis of any seafloor and subsurface geologic features, and any manmade features or conditions, which may have an adverse effect on the proposed pipeline</td> <td data-bbox="447 691 684 1055">In all cases</td> <td data-bbox="690 691 1066 1055">(1) Description of the hazards along the pipeline route; (2) Discussion of any special safety measures you will take to minimize the adverse effects of shallow hazards on the proposed pipeline; and (3) Discussion of how you will comply with the hazard mitigation requirements specified in § 250.1042.</td> </tr> </tbody> </table>	Type of information	When required	Contents	(a) Shallow hazards survey report	For ROW pipelines in the GOMR, and for all pipelines in the POCSR and AKOCSR	Shallow hazards survey report of the proposed pipeline route based on information obtained from the shallow hazards survey (see § 250.1032(a)). The Regional Supervisor will specify requirements for preparing the report.	(b) Shallow hazards analysis of any seafloor and subsurface geologic features, and any manmade features or conditions, which may have an adverse effect on the proposed pipeline	In all cases	(1) Description of the hazards along the pipeline route; (2) Discussion of any special safety measures you will take to minimize the adverse effects of shallow hazards on the proposed pipeline; and (3) Discussion of how you will comply with the hazard mitigation requirements specified in § 250.1042.			<p data-bbox="1092 841 1211 865">2007-G01</p> <p data-bbox="1236 383 1562 836">survey report and, if required by the Regional Director, an archaeological resource report that covers the entire length of the pipeline. A shallow hazards analysis may be included in a lease term pipeline application in lieu of the shallow hazards survey report with the approval of the Regional Director. The Regional Director may require the submission of the data upon which the report or analysis is based.</p> <p data-bbox="1236 902 1562 1412">D. Pipeline Application In accordance with 30 CFR 250.1007(a)(5), a pipeline application must include a shallow hazards analysis that assesses the proposed route 150 meters (490 feet) on either side of the centerline to a depth of 23 meters (75 feet) below the seafloor for its entire length except for areas with acoustic void caused by biogenic gas. 1. Include the following in a shallow hazards analysis for a pipeline for which you conducted a specific pipeline pre-</p>	<p data-bbox="1589 383 1965 716">P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States; and require more specific information to provide for shallow hazards inspection.</p>
Type of information	When required	Contents												
(a) Shallow hazards survey report	For ROW pipelines in the GOMR, and for all pipelines in the POCSR and AKOCSR	Shallow hazards survey report of the proposed pipeline route based on information obtained from the shallow hazards survey (see § 250.1032(a)). The Regional Supervisor will specify requirements for preparing the report.												
(b) Shallow hazards analysis of any seafloor and subsurface geologic features, and any manmade features or conditions, which may have an adverse effect on the proposed pipeline	In all cases	(1) Description of the hazards along the pipeline route; (2) Discussion of any special safety measures you will take to minimize the adverse effects of shallow hazards on the proposed pipeline; and (3) Discussion of how you will comply with the hazard mitigation requirements specified in § 250.1042.												

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>installation survey: a. A shallow hazards report prepared according to Section IV, paragraph B, of this NTL; and b. A discussion of any special safety measures that would minimize the effects of shallow hazards on the proposed pipeline, including a discussion of how you will comply with Section VI, paragraphs B and C, of this NTL.</p> <p>2. Include the following in a shallow hazards analysis for a pipeline for which you did not conduct a specific pipeline pre-installation survey: a. A discussion of the specific data and reports you used to make the analysis; b. An assessment of any seafloor and subsurface geologic and manmade features and conditions that may have an adverse effect on the proposed pipeline; c. A discussion of any special safety measures that would minimize the adverse effects of shallow hazards on the proposed pipeline, including a discussion of how you will comply with Section VI,</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
		LTL 1991	<p>paragraphs B and C, of this NTL; and d. An interpreted hazards map showing the annotated pipeline route. To provide sufficient information on which to base a shallow hazards analysis for all right-of-way (ROW) pipelines, and for lease term pipelines in water depths 200 meters or greater, conduct a pipeline pre-installation survey, as prescribed in Section III, paragraph C.4, of this NTL. For lease term pipelines in water depths less than 200 meters (656 feet), you may not need to conduct a pipeline pre-installation survey if you can make a thorough analysis using geological and geophysical data or information (seafloor man-made obstructions) from an updated lease survey or site-specific survey conducted using state-of-the-art equipment and a navigation system based on the Global Positioning System (GPS). If you are uncertain about the adequacy of available data or information to prepare an acceptable analysis for a lease</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
			<p>term pipeline, you may contact the MMS GOMR TAOS Section for guidance before you submit the lease term pipeline application.</p> <p>For ROW pipelines, the shallow hazards survey report required by this paragraph shall be prepared in accordance with the provisions of paragraph III.D. of NTL No. 83-3. For lease term pipelines, an analysis to determine the existence of any seafloor or subsurface geologic and manmade features and conditions which may have an adverse effect on the proposed operations shall be included in lieu of the shallow hazards survey report. This analysis shall adhere to the provisions of paragraph II.D of NTL No. 83-3.</p>							
250.1022	Construction information.									
	<p>You must provide pipeline construction information as indicated in the following table:</p> <table border="1" data-bbox="243 1300 1066 1422"> <thead> <tr> <th data-bbox="243 1300 489 1333">Type of information</th> <th data-bbox="489 1300 705 1333">When required</th> <th data-bbox="705 1300 1066 1333">Contents</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1333 489 1422">(a) Installation method</td> <td data-bbox="489 1333 705 1422">In all cases</td> <td data-bbox="705 1333 1066 1422">A brief description of the method you will use to install the proposed pipeline</td> </tr> </tbody> </table>	Type of information	When required	Contents	(a) Installation method	In all cases	A brief description of the method you will use to install the proposed pipeline	LTL 1991	The application required by this paragraph shall include a brief description of the method that will be used to install the pipeline.	New section , requires for specific information for construction plans. Is this requirement for MMS or DOT pipeline?
Type of information	When required	Contents								
(a) Installation method	In all cases	A brief description of the method you will use to install the proposed pipeline								

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(b) General information on the vessel/equipment you will use to construct the proposed pipeline	In all cases	<p>(e.g., S-lay, J-lay, reeled lay, towed lay).</p> <p>(1) Type of vessel (e.g., anchor supported, dynamic positioning) or equipment (e.g., trucks, bulldozers); (2) Name of the vessel (if known); (3) Maximum anchor radius (feet); (4) Capacity of fuel tanks (barrels); and (5) Proposed anchor location for operations in the POCSR.</p>		<p>The discussion required by this paragraph shall be accompanied by a drawing which shows the protection to be afforded to the proposed pipeline at crossings, subsea tie-ins, and other potential obstructions.</p> <p>If any valve, tap, subsea tie-in, or capped line is to be covered with protective covering (e.g., sand bags, cages, domes, mats), the discussion required by this paragraph shall be accompanied by (1) a drawing which shows the specifications of the protective covering and the equipment to be protected, (2) the x-y coordinates of the location of the protective covering, (3) a description of the relationship of the protective covering to the mud line, (4) a discussion of any anchor pins or sand bags that will be used to hold the protective covering in place, (5) a description of the cathodic protection system for the protective covering, if appropriate, and (6) a</p>	
	(c) Tow route	If you plan to install the pipeline by towing or dragging it to the installation site	<p>(1) Plat that depicts the entire tow route and indicates where the pipeline will be dragged on the seafloor, if applicable. (2) Electronic file containing the digital coordinates of sufficient points to provide an accurate representation of the proposed tow route. In preparing this file, you must: (i) Use the file format specified by the Regional Supervisor; (ii) Include the data for the entire tow route; and (iii) Present the data in decimal degree latitude and longitude, based on NAD 27 for the GOMR (Gulf) and the POCSR, and NAD 83 for AKOCSR and GOMR</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			<p>(Atlantic). (3) Shallow hazards survey report for the tow route (see § 250.1032(a)). (4) Analysis of any seafloor and subsurface geologic features, and any manmade features or conditions, which may have an adverse effect on the pipeline if towed or dragged. The analysis must include a: (i) Discussion of the hazards along the pipeline tow route; (ii) Description of any special safety measures you will take to minimize the adverse effects of shallow hazards on the towing operations; and (iii) Discussion of how you will comply with the hazard mitigation requirements specified in § 250.1042.</p>		<p>discussion of plans for maintaining the protective covering.</p>	
	(d) Air emissions	<p>For ROW pipelines in the GOMR, and for all pipelines in the POCSR and AKOCSR, you must provide air emissions information for all combustion</p>	<p>(1) Total rated output (horsepower) of each vessel/equipment; (2) Rated output (horsepower) of each combustion emission source on the vessel(s) and a description of its use (e.g., crane, compressor, generator, dehydrator); (3) Run time (hours/day and</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		sources used in pipeline construction operations	days/year) for each emission source; (4) Documentation of any emission control technologies you will employ; and (5) Maximum hourly, daily, and total projected emissions for all pipeline installation-related emission sources.			
	(e) Vessel discharges	For ROW pipelines in the GOMR, and for all pipelines in the POCSR and AKOCSR, you must provide information on discharges for all vessels associated with your pipeline installation	(1) Types and general characteristics of the wastes that will be generated and discharged into the ocean during construction operations; (2) Volume (gallons) of waste that will be discharged; (3) Average and maximum discharge rates (gallons/hour); (4) Description of any treatment or storage; and (5) Discharge location and method for each type of discharge.			
	(f) Pipeline burial	If you plan to bury the pipeline (see § 250.1044(c))	(1) Method you will use to bury the pipeline (e.g., jet, plow); and (2) Depth of burial (feet), including the depths in safety fairways and anchorage areas.			
	(g) Pipeline self burial	If you expect that the pipeline will bury itself naturally in the	(1) Appropriate site-specific geotechnical data (e.g., sediment compaction, shear strength) and other			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		sediment, you must provide a request to use an alternative procedure under § 250.141	information to verify sediment conditions; and (2) Information specified in § 250.1027(a).			
	(h) Obstruction protection	In all cases	Information concerning any covering (e.g., dome, cage, sandbags, concrete mats) you will use to protect a manifold, tie-in, or blind flange at the pipeline origination and termination points, and all valves, flanges, other appurtenances, and pipeline crossings along the horizontal component of the pipeline (see § 250.1046(a)). The information you provide must include: (1) A drawing that shows the specifications of the protective covering and the equipment it will protect; (2) A drawing and a description of the relationship of the protective covering to the seafloor (e.g., mat edges buried); (3) A discussion of any anchor pins or sandbags you will use to hold the protective covering in place, if applicable; (4) A			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
			description of the cathodic protection system for the protective covering, if appropriate; and (5) A discussion of your plans for maintaining the protective covering.			
	(i) Underwater vent pipelines	If you plan to install an underwater vent pipeline	A description of the provisions you will make for anchoring the end of the underwater vent pipeline.			
250.1023	Onshore support base, terminal, support vessels, and aircraft information.					
	You must provide information on each onshore base you will use to provide supply and service support for your proposed pipeline operations as indicated in the following table:			LTL 1991	The application required by this paragraph shall include a brief description of the onshore base that will be used to support the pipeline activities including information as to whether the facilities at the base are existing, proposed, or are to be expanded; a brief discussion of the support vessels to be used and information concerning their frequency of travel; and a map showing the location of the activity relative to the shoreline which depicts proposed transportation routes.	New section , general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States.
Type of information	When required	Contents				
(a) Onshore support base	In all cases	(1) Name and location of the onshore support base, and whether it will be a new or existing facility; (2) Description of the necessary work, if you plan to construct a new onshore support base or make major additions to an existing one; and (3) Timetable for land acquisition (including rights-of-way and easements) and construction or expansion if you plan to acquire land to construct a new facility or				

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(b) Onshore terminal	For pipelines that will transport product to shore	expand an existing one. The name, description, and location of the primary onshore terminal (including any refinery, gas plant, or compressor station) that will be built or undergo expansion or major modification as the result of your proposed pipeline operations.			
	(c) Support vessels and aircraft (general)	For ROW pipelines in the GOMR, and all pipelines in the POCSR and AKOCSR	Information for each type of vessel/equipment (e.g., anchor-handling boats, tug boats, supply boats, service boats, crew boats) and aircraft you will use to support your proposed pipeline operations that includes: (1) Fuel tank storage capacity (barrels); (2) Maximum number of vessels/equipment that will be in the area of operations at any one time; and (3) Trip frequency or duration.			
	(d) Diesel oil supply vessel/equipment	For ROW pipelines in the GOMR, and all pipelines in the POCSR and AKOCSR	Information on the vessels you will use to supply diesel oil to your pipeline installation vessels/equipment that includes: (1) Vessel length (feet); (2) Diesel oil storage capacity (barrels); and (3) Frequency of fuel transfers.			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
250.1024	Operation information.									
	You must provide the following pipeline operation information:									
	(a) <i>Pipeline operating temperature.</i> The anticipated maximum and minimum operating temperatures ([deg]F) of the proposed pipeline.			New section , general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States.						
	(b) <i>Proposed MAOP.</i> Your proposed MAOP (psi) for the pipeline, and the method you used to determine the MAOP (see § 250.1081).									
250.1025	Service and products information.									
	<p>You must indicate the primary service and, if applicable, the secondary service of the proposed pipeline (e.g., oil, bulk oil, natural gas, bulk gas, condensate, gas and condensate, gas lift, instrument, flare/vent, water, methanol, glycol, sulphur, or other chemicals). If the pipeline will be bidirectional, you must provide the service for each direction and indicate which one will predominate.</p> <table border="1" data-bbox="243 1057 1066 1427"> <thead> <tr> <th data-bbox="243 1057 474 1154">If you will be primarily transporting . . .</th> <th data-bbox="474 1057 705 1154">Then you must provide . . .</th> <th data-bbox="705 1057 1066 1154">The Regional Supervisor may also require . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1154 474 1427">(a) Natural gas</td> <td data-bbox="474 1154 705 1427">(1) The anticipated maximum flow rate (MMCFD); (2) The maximum design flow rate (MMCFD); (3) The specific gravity of the gas; (4) The carbon</td> <td data-bbox="705 1154 1066 1427">The chemical and physical characteristics of the gas.</td> </tr> </tbody> </table>	If you will be primarily transporting . . .	Then you must provide . . .	The Regional Supervisor may also require . . .	(a) Natural gas	(1) The anticipated maximum flow rate (MMCFD); (2) The maximum design flow rate (MMCFD); (3) The specific gravity of the gas; (4) The carbon	The chemical and physical characteristics of the gas.			New section , request for specific information for services and products. 250.1025 (d), (e), reference to H2S contingency plans/reports.
If you will be primarily transporting . . .	Then you must provide . . .	The Regional Supervisor may also require . . .								
(a) Natural gas	(1) The anticipated maximum flow rate (MMCFD); (2) The maximum design flow rate (MMCFD); (3) The specific gravity of the gas; (4) The carbon	The chemical and physical characteristics of the gas.								

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		dioxide (CO ₂) and hydrogen sulfide (H ₂ S) concentrations (ppm); (5) Your provisions for controlling internal corrosion; and (6) Your provisions for flow assurance			
	(b) Liquid hydrocarbons	(1) The anticipated maximum flow rate (BPD); and (2) The maximum design flow rate (BPD); (3) The API[deg] gravity of the liquid; (4) The anticipated CO ₂ and H ₂ S concentrations (ppm); (5) Your provisions for controlling internal corrosion; and (6) Your provisions for flow assurance			
	(c) Chemicals	(1) The anticipated maximum flow rate (BPD); (2) The maximum design flow rate (BPD); (3) Your provisions for			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	<p>(d) A product with an H₂S concentration greater than 20 ppm, or will cross a pipeline that transports a product with an H₂S concentration greater than 20 ppm</p> <p>(e) A product with an H₂S</p>	<p>controlling internal corrosion</p> <p>(1) An H₂S Contingency Plan prepared according to § 250.490(f); (2) A reference to an approved or submitted H₂S Contingency Plan that covers the operation of the proposed pipeline and/or the construction operations at the pipeline crossing; or (3) A statement that you will submit for approval to the appropriate District Manager either an H₂S Contingency Plan(s) or an amendment to an approved H₂S Contingency Plan(s) before you install the proposed pipeline. Two (2) copies of an H₂S dispersion</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	concentration greater than 500 ppm	modeling report or the modeling results (see § 250.1082(b)), or a reference to such report or results if already submitted to the Regional Supervisor.				
250.1026	Biological and archaeological information.					
	You must provide the biological and archaeological information indicated in the following table:			2000-G20 LTL 1991 2004-G05	<u>Deepwater Chemosynthetic Communities</u> NTL Not Included here In accordance with NTL No. 88-11, the application required by this paragraph shall include an analysis of the evidence and consequences of geological phenomena (such as hydrocarbon charged sediments, seismic wipe-out zones, anomalous mounds or knolls, gas vents, or oil seeps) that could support chemosynthetic organisms when a proposed pipeline is to be installed in water depths greater than 400 meters.	New section , general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States.
Type of information	When required	Contents				
(a) Chemosynthetic communities report	If the proposed pipeline, or the associated anchors or chains of the pipeline construction vessel (or a proposed accessory, or the associated anchors or chains of the construction barge) will be placed in water depths 1,312 feet or greater	Three copies of a high-density chemosynthetic communities report. The Regional Supervisor will specify the contents of this report.				
(b) Sensitive	If the proposed	Plats, a photo documentation				

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	<p>biological features reports or documentation</p>	<p>pipeline, or the associated anchors or chains of the pipeline construction vessel (or a proposed accessory platform, or the associated anchors or chains of the construction barge) will be placed in the vicinity of any biologically-sensitive features, including but not limited to topographic features, live bottoms (low-relief features), live bottoms (pinnacle trend features or seamounts), and potentially sensitive biological features</p>	<p>survey report, and/or a high-resolution geophysical data survey report to identify and locate the features. The Regional Supervisor will specify when you must provide these plats and reports, and their contents.</p>	<p>LTL 1991</p> <p>2005-G07</p>	<p>Biologically Sensitive Areas of the Gulf of Mexico</p> <p>NTL Not Included here</p> <p>The archaeological resource report required by this paragraph shall be prepared in accordance with the provisions of Enclosure No. 2 of NTL No. 75-3 (Revision No. 1). This report is <i>not</i> required where the area to be disturbed has been sufficiently covered in a previously submitted archaeological resource report (lease term pipelines only) or is not in an area of archaeological resource sensitivity.</p> <p><u>Archaeological Resource</u></p>	

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(c) Archaeological report	If you propose bottom-disturbing operations in areas that are identified as high probability shipwreck blocks or prehistoric areas	Three copies of an archaeological report, or a reference to such a report if it was already provided to the Regional Supervisor. The Regional Supervisor will specify the contents of the archaeological report.		<p><u>Surveys and Reports</u></p> <p>NTL not repeated here.</p>	
250.1027	Requests for alternative compliance or departure.					
	You must provide any request for alternative compliance or departure as indicated in the following table:			LTL 1991	In accordance with 250.3(a), approval may be given to use new or alternative techniques, procedures, equipment, or activities if such techniques, procedures, equipment, or activities afford a degree of protection, safety, or performance equal to or better than that intended to be achieved by the requirements of 30 CFR 250, Subpart J.	New section , general requirement to submit application to install new P/L, including exceptions/departures, consents and notices, Federal/State permits, agreements, reports, attachments, all required information, etc. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affect States.
	Type of request	When required	What your request must do			
	(a) Alternative compliance	You must request approval from the Regional Supervisor if you plan to use any alternate procedures or equipment (see § 250.141)	(1) Identify the MMS regulation for which you are seeking alternative compliance; (2) Describe the procedure, method, or equipment you plan to use; (3) Explain the reason you want to use the procedure, method, or equipment; and (4) Explain how you will achieve a level of safety and environmental protection that is equal to or greater than that prescribed by the MMS regulation.			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(b) Departure	You must request approval from the Regional Supervisor if you plan to depart from any current MMS regulatory requirements (see § 250.142) concerning the proposed pipeline	(1) Identify the MMS regulation for which you are seeking to forego or delay compliance; (2) Describe the procedure, method, or equipment you plan to use, if applicable; and (3) Explain the reason you wish to forego or delay compliance with the identified MMS regulation.			
250.1028	Oil and hazardous substance spill response information.					
	You must provide the following oil and hazardous substance spill response information:					
	<p>(a) Oil spill response planning. For ROW pipelines, you must provide either:</p> <p>(1) An Oil Spill Response Plan (OSRP) for the pipeline prepared according to the requirements of 30 CFR part 254; or</p> <p>(2) A reference to your approved regional or subregional OSRP (see 30 CFR 254.3) that includes:</p> <p>(i) A discussion of your regional or subregional OSRP, and a statement that your proposed ROW pipeline operations will be covered by that OSRP;</p> <p>(ii) The locations of your primary oil spill equipment base and any preplanned equipment staging areas;</p> <p>(iii) The names of your oil spill removal organizations for both spill response equipment and personnel;</p> <p>(iv) The calculated volume (barrels) of your worst case discharge scenario (see 30 CFR 254.26(a)) for your proposed ROW pipeline;</p> <p>(v) A comparison of the above worst case discharge scenario with the applicable worst case discharge scenario in your approved regional or subregional OSRP; and</p>					<p>New section, 250.1028(a), (b) reference to oil spill response plan/reports - for liquid operators</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
	(vi) A discussion of your worst case discharge scenario and your response in adverse weather conditions for your proposed operations (see 30 CFR 254.26(b), (c), (d) and (e)).									
	(b) Modeling report. If you model a potential oil or hazardous substance spill, a modeling report, the modeling results, or a reference to such report or results if you already submitted it to the Regional Supervisor.									
	(c) Flower Garden Banks National Marine Sanctuary (FGBNMS). If you propose to conduct operations within the protective zones of the FGBNMS, a description of your provisions for monitoring the impacts of an oil spill on the environmentally sensitive resources at the FGBNMS.									
250.1029	Oil Spill Financial Responsibility (OSFR) demonstration information.									
	For ROW pipelines that will transport oil (see definition at 30 CFR 253.3), you must provide a statement that you have demonstrated or will demonstrate OSFR coverage in the amount specified in 30 CFR 253.13(b) unless the static volume of the pipeline is 1,000 barrels, or less, or the calculated volume of your worst case discharge scenario is 1,000 barrels or less.			New section, Reference to demonstrating oil spill financial responsibility - for liquid operators						
250.1030	Environmental Impact Analysis (EIA) information.									
	For ROW pipelines, you must provide a project-specific EIA that identifies and analyzes the potential direct and indirect environmental impacts of your proposed ROW pipeline operations (including the installation and operation of any accessory) to assist the Regional Supervisor in complying with NEPA (42 U.S.C. 4321, <i>et seq.</i>) and other relevant Federal laws. Your EIA must include:			New section, request for information on environmental impact analysis study						
	<table border="1" data-bbox="243 1062 1066 1399"> <thead> <tr> <th data-bbox="243 1062 548 1094">Type of information</th> <th data-bbox="548 1062 1066 1094">What must be included</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1094 548 1279">(a) Resources, conditions, and activities that could affect or be affected by your proposed ROW pipeline operations</td> <td data-bbox="548 1094 1066 1279">(1) Meteorology, oceanography, geology, and geological and/or manmade hazards; (2) Air and water quality; (3) Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, and algal or plant life;</td> </tr> <tr> <td data-bbox="243 1279 548 1399"></td> <td data-bbox="548 1279 1066 1399">(4) Threatened or endangered species, and their critical habitat, as defined by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531, <i>et seq.</i>);</td> </tr> </tbody> </table>	Type of information	What must be included	(a) Resources, conditions, and activities that could affect or be affected by your proposed ROW pipeline operations	(1) Meteorology, oceanography, geology, and geological and/or manmade hazards; (2) Air and water quality; (3) Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, and algal or plant life;		(4) Threatened or endangered species, and their critical habitat, as defined by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531, <i>et seq.</i>);			
Type of information	What must be included									
(a) Resources, conditions, and activities that could affect or be affected by your proposed ROW pipeline operations	(1) Meteorology, oceanography, geology, and geological and/or manmade hazards; (2) Air and water quality; (3) Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, and algal or plant life;									
	(4) Threatened or endangered species, and their critical habitat, as defined by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531, <i>et seq.</i>);									

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		(5) Sensitive biological resources or habitats such as essential fish habitat, refuges, preserves, special management areas identified in coastal management programs, sanctuaries, coastal monuments, national natural landmarks, rookeries, and calving grounds;			
		(6) Archaeological resources;			
		(7) Socio-economic resources, as specified in paragraph (b) of this section;			
		(8) Coastal and marine uses, such as military or commercial operations, shipping, and mineral exploration or development; and			
		(9) Other resources, conditions, and operations identified by the Regional Supervisor.			
	(b) Socio-economic resources	(1) The approximate number, timing, and duration of employment of persons engaged in onshore support and construction operations; (2) Population (including the approximate number of people and families added to local onshore areas);			
		(3) Existing offshore and onshore infrastructure (including major sources of supplies, services, energy, and water);			
		(4) Types of contractors or vendors that may place a demand on local goods and services;			
		(5) Land use;			
		(6) Subsistence resources and harvest practices;			
		(7) Recreation and recreational and			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		commercial fishing (including seasons, location, and type);			
		(8) Minority and lower income groups;			
		(9) Federally-recognized tribes in the AKOCSR; and			
		(10) Coastal zone management programs.			
	(c) Impact producing factors (IPF) that can cause impacts to the environmental resources you identified in paragraph (a) of this section	(1) Air emissions; (2) Seafloor disturbance from anchoring and structure emplacement; (3) Discharges; (4) Emissions of light and noise; (5) Water intakes and discharges; (6) Use of service vessels and helicopters;			
		(7) Construction or expansion of onshore support facilities;			
		(8) Onshore waste disposal; and			
		(9) Accidental events, including oil or chemical spills and hydrogen sulfide (H ₂ G ₄ S) releases.			
	(d) Environmental impact analysis (EIA)	(1) Analysis of the direct and indirect impacts (including those from accidents) of the IPFs you identified in paragraph (c) of this section on the environmental resources, conditions, and activities you identified in paragraph (a) of this section;			
		(2) Analysis of the potential cumulative impacts from other activities to those environmental resources, conditions, and activities you identified in paragraph (a) of this section;			
		(3) Description of the type, severity, and duration of the potential impacts, and their biological, physical, and other			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		consequences and implications;			
		(4) Description of the potential measures to minimize or mitigate the potential impacts; and			
		(5) Description of the alternatives to your proposed ROW pipeline operations that you considered while developing your pipeline application, and a comparison of the potential environmental impacts.			
	(e) Consultation	A list of agencies and persons that you consulted or you will consult, regarding potential impacts associated with your proposed pipeline operations.			
	(f) References cited	A list of the references that you cite in the EIA.			
Pipeline Design					
250.1031	What are the general requirements for designing a pipeline?				The new rule would incorporate seven sections of API RP1111 into regulations for use in designing pipelines.
	You must design a pipeline, including the horizontal component, risers, valves, flanges, fittings, umbilicals, and all other appurtenances to do all of the following:				New section introduces new language: horizontal component and risers.
	(a) Mitigate any reasonably anticipated detrimental effects of water currents, storm or ice scouring, soft or hard bottoms, mud slides, earthquakes, hurricanes, subfreezing temperatures, and other environmental factors;		1002	(f) Pipelines shall be designed and maintained to mitigate any reasonably anticipated detrimental effects of water currents, storm or ice scouring, soft bottoms, mud slides, earthquakes, subfreezing temperatures, and other environmental factors.	New section , expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". The propose rule does not distinguish the general requirements for designing of a DOI or DOT pipeline. It also introduces new language in (a):

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
				hard bottoms and hurricanes.
	(b) Withstand the anticipated maximum differential pressure to prevent both burst and collapse;			
	(c) Withstand the static and dynamic loads that will be imposed on the pipe during construction and under operating conditions;			
	(d) Mitigate the effects of thermal expansion and contraction; and			
	(e) Mitigate the effects of internal and external corrosion.			
250.1032	What must I do to avoid or mitigate hazards?			
	(a) <i>Shallow hazards survey.</i> You must conduct a shallow hazards survey using appropriate high-resolution geophysical survey techniques and other tools to locate potential hazards. The Regional Supervisor will specify the survey area, instrumentation, and methodology.			New section , expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". The propose rule does not distinguish the general requirements for designing of a DOI or DOT pipeline. How will the RS specify the area, etc. – orally or in writing?
	(b) <i>Route selection.</i> You must use the results of the shallow hazards survey required by paragraph (a) of this section, charts, maps, and other sources of relevant information to: (1) Select a route that avoids surface and subsurface hazards as much as possible (e.g., in anchorage areas, existing pipelines, other manmade objects, active faults, rock outcrops, mudslide areas); and (2) Identify hazards that you cannot avoid, and design the pipeline to mitigate the effects of these hazards.			New section, route selection for pipeline design not covered in current rule.
250.1033	What are the design requirements for horizontal components and risers?			
	(a) <i>Internal design pressure.</i> (1) You must determine the internal design pressure for steel horizontal components and risers using the following formula or the equations in section 4.3.1 of API RP 1111 and, if applicable, sections 4.3.1.1 and 4.3.1.2 of API RP 1111 (incorporated by reference as specified in § 250.198):	1002	(a) The internal design pressure for steel pipe shall be determined in accordance with the following formula:	New section , expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". The propose rule does not distinguish the general requirements for designing of a

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns																
	$P = \frac{2 \times S \times t}{D} (F \times E \times T)$ <table border="1" data-bbox="243 461 1066 1057"> <thead> <tr> <th>Variable</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>P</td> <td>Internal design pressure (psi).</td> </tr> <tr> <td>S</td> <td>Specified minimum yield strength (psi), stipulated in the specification under which the pipe was purchased from the manufacturer or determined in accordance with section 811.253(h) of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198).</td> </tr> <tr> <td>T</td> <td>Nominal wall thickness (inches).</td> </tr> <tr> <td>D</td> <td>Nominal outside diameter of pipe (inches).</td> </tr> <tr> <td>F</td> <td>Construction design factor (0.72 for the horizontal component and 0.60 for risers).</td> </tr> <tr> <td>E</td> <td>Longitudinal joint factor from Table 841.1B of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198) (See also section 811.253(d) of this standard).</td> </tr> <tr> <td>T</td> <td>Temperature derating factor obtained from Table 841.1C of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198).</td> </tr> </tbody> </table> <p data-bbox="226 1122 1058 1273">(2) For limitations, see section 841.121 of ANSI/ASME B.31.8 (incorporated by reference as specified in § 250.198). When calculating the internal design pressure for steel pipe, you may account for the effects of external hydrostatic pressure as shown in ANSI/ASME B.31.8, Chapter 8 (incorporated by reference as specified in § 250.198).</p>	Variable	Description	P	Internal design pressure (psi).	S	Specified minimum yield strength (psi), stipulated in the specification under which the pipe was purchased from the manufacturer or determined in accordance with section 811.253(h) of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198).	T	Nominal wall thickness (inches).	D	Nominal outside diameter of pipe (inches).	F	Construction design factor (0.72 for the horizontal component and 0.60 for risers).	E	Longitudinal joint factor from Table 841.1B of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198) (See also section 811.253(d) of this standard).	T	Temperature derating factor obtained from Table 841.1C of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198).		$P = \frac{2(S)(t)}{D} \times (F)(E)(T)$ <p data-bbox="1236 496 1556 1404">For limitations see section 841.121 of American National Standards Institute (<u>ANSI B31.8</u>) (incorporated by reference as specified in <u>30 CFR 250.198</u>) where- P=Internal design pressure in pounds per square inch (psi). S=Specified minimum yield strength, in psi, stipulated in the specification under which the pipe was purchased from the manufacturer or determined in accordance with section 811.253(h) of <u>ANSI B31.8</u>. D=Nominal outside diameter of pipe, in inches. t=Nominal wall thickness, in inches. F=Construction design factor of 0.72 for the submerged component and 0.60 for the riser component. E=Longitudinal joint factor obtained from Table 841.1B of <u>ANSI B31.8</u>. (See also section 811.253(d)). T=Temperature derating factor obtained from Table</p>	<p data-bbox="1587 386 1955 597">DOI or DOT pipeline. 250.1033(e), required to submit review by third-party verification agent under API Spec 17J. New rule differentiates horizontal components and risers in determining the design pressure.</p>
Variable	Description																			
P	Internal design pressure (psi).																			
S	Specified minimum yield strength (psi), stipulated in the specification under which the pipe was purchased from the manufacturer or determined in accordance with section 811.253(h) of ANSI/ASME B31.8 (incorporated by reference as specified in § 250.198).																			
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Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			841.1C of <u>ANSI B31.8</u> .	
	(b) External design pressure. You must predict the external (collapse) design pressure for steel pipe for pipelines to be installed in water depths greater than 1000 feet using the equations in sections 4.3.2.1 and 4.3.2.2 of API RP 1111 (incorporated by reference as specified in § 250.198).			New section targeted at pipelines in water depths greater than 1000 feet.
	(c) Catenary riser for a fixed structure. You must design a catenary riser for a fixed structure according to sections 4.5.4 and 4.1.6.2 of API RP 1111 (incorporated by reference as specified in § 250.198).			New section on catenary risers.
	(d) Riser for tension leg platform or a floating system. You must design a pipeline riser for a tension leg platform or a floating system according to API RP 2RD (incorporated by reference as specified in § 250.198).	1002	(b)(5) You must design pipeline risers for tension leg platforms and other floating platforms according to the design standards of API RP 2RD, Design of Risers for Floating Production Systems (FPSs) and Tension Leg Platforms (TLPs), incorporated by reference as specified in 30 CFR 250.198.	Should have minimal impact on transportation industry since floating systems are in deep or ultra-deep waters. Could have a longer term impact as more deep water systems are developed.
	(e) Unbonded flexible pipe. If you plan to install a pipeline using unbonded flexible pipe, you must design the pipeline according to the specifications and the review standards for a third-party independent verification agent specified in API Spec 17J (incorporated by reference as specified in § 250.198).	1002	(b)(4) If you are installing pipelines constructed of unbonded flexible pipe, you must design them according to the standards and procedures of API Spec 17J, incorporated by reference as specified in 30 CFR 250.198.	
	(f) External protective coating. You must design a pipeline to provide the: (1) Horizontal component and appurtenances with an external protective coating to minimize external corrosion; (2) Risers with an additional external coating to resist the detrimental effects of corrosion, sunlight, and wave action in the splash zone; and (3) Pipe and appurtenances exposed to the atmosphere with a suitable coating.	1002	(e) Pipelines shall be provided with an external protective coating capable of minimizing underfilm corrosion and a cathodic protection system designed to	New section differentiates horizontal component and appurtenances in (1). Parts (2) and (3) are new and are not in current rules.

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			mitigate corrosion for at least 20 years.	
	(g) Internal corrosion control. You must design a pipeline to mitigate internal corrosion (e.g., the use of internal coatings, corrosion-resistant alloys) over its design life.			New section not in current rule.
	(h) Flow assurance. You must design a pipeline to ensure that adequate flow can be sustained throughout its design life (e.g., using pipe-in-pipe, insulated pipe, electrically heated pipe, piggable pipe).			New section not in current rule.
	(i) Pipeline on-bottom stability. You must design a pipeline so that it will be stable in the geologic and weather conditions for the area. (1) Your pipeline must remain stable during a storm. The stability must be determined using appropriate backfill rates and storm data for the area. If the pipeline is in a water depth less than 200 feet and is jetted at least 3 feet below the natural seabed, it must be stable during a 2-year storm (minimum). If you expect that the pipeline will bury itself naturally in the sediment in a water depth less than 200 feet, it must remain stable during a 100-year storm (minimum). If the pipeline is in a water depth 200 feet or greater and is not buried, it must be stable during a 100-year storm (minimum). (2) The Regional Supervisor may require additional stability design measures based on the geologic or weather conditions for the area.			New section not in current rule. How does MMS define "stable?" MMS should recognize some minimal movement of the pipeline during a storm may be beneficial to protecting the pipeline and preventing a rupture.
	(j) Underwater vent pipeline. You must design an underwater vent pipeline (any pipeline that transports natural gas that has been vented during upset or abnormal conditions or bleed down operations to a location where the gas is discharged underwater or flared at a flare pile) to ensure that the discharge point is: (1) A minimum of 250 feet from the delivering structure; and (2) Anchored to the sea floor, unless the gas is flared at a flare pile. (k) Riser supports. When designing riser supports, you must consider the: (1) Loads induced by riser operations; (2) Environmental loads, taking into account 100-year return period storm criteria as set out in API RP 2A-WSD (incorporated by reference as specified in § 250.198); and (3) Installation loads on risers that are pre-installed.			New section not in current rule. Transportation industry rarely vents and MMS stopped sub-sea flares back in the 1990's.
250.1034	What are the design requirements for appurtenances?			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	You must design pipeline appurtenances as set forth below:			
	(a) Pipeline valve. You must design a pipeline valve to meet the minimum design requirements of API Spec 6A (incorporated by reference as specified in § 250.198), API Spec 6D/ISO 14313 (incorporated by reference as specified in § 250.198), or the equivalent. You may not use a valve under any operating conditions that exceed the applicable pressure or temperature ratings in those standards. The material of the valve must be compatible with the product being transported.	1002	(b)(1) Pipeline valves shall meet the minimum design requirements of American Petroleum Institute (API) Spec 6A, API Spec 6D, or the equivalent. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those standards.	New section , expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". The propose rule does not distinguish the general requirements for designing of a DOI or DOT pipeline.
	(b) Pipeline flange. You must design a pipeline flange: (1) To meet the minimum design requirements of ANSI B16.5 (incorporated by reference as specified in § 250.198), API Spec 6A (incorporated by reference as specified in § 250.198), or the equivalent; (2) To withstand the MAOP of the pipeline; (3) To maintain its physical and chemical properties at the maximum and minimum anticipated operating temperatures; and (4) Using material that is compatible with the product being transported.	1002	(b)(2) Pipeline flanges and flange accessories shall meet the minimum design requirements of ANSI B16.5, API Spec 6A, or the equivalent (incorporated by reference as specified in 30 CFR 250.198). Each flange assembly must be able to withstand the maximum pressure at which the pipeline is to be operated and to maintain its physical and chemical properties at any temperature to which it is anticipated that it might be subjected in service.	
	(c) Pipeline fittings. You must use pipeline fittings (couplings, elbows, unions, tees, swage nipples, buckle arrestors, gaskets, etc.) that: (1) Have pressure-temperature ratings based on stresses for pipe of the same or equivalent material; (2) Have a bursting strength greater than the computed bursting strength of the	1002	(b)(3) Pipeline fittings shall have pressure-temperature ratings based on stresses for pipe of the same or equivalent material. The actual bursting	New rules provide examples of fittings types not found in current rule.

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns												
	pipe; and (3) Use material that is compatible with the product being transported.		strength of the fitting shall at least be equal to the computed bursting strength of the pipe.													
	<p>(d) Anode cathodic protection system. You must:</p> <p>(1) Design your anode cathodic protection system to have a life expectancy of 30 years or for the design life of the pipeline, whichever is longer; and</p> <p>(2) Use the following equation, or another equation and/or method acceptable to the Regional Supervisor in accordance with the provisions of § 250.141, to calculate anode design life:</p> $T = \frac{M \times U \times v}{(I \times 8760)}$ <table border="1" data-bbox="243 743 1066 940"> <thead> <tr> <th>Variable</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>T</td> <td>Time (years).</td> </tr> <tr> <td>M</td> <td>Total net anode mass (pounds).</td> </tr> <tr> <td>U</td> <td>Utilization factor.</td> </tr> <tr> <td>v</td> <td>Electrochemical efficiency (amp x hour/pound).</td> </tr> <tr> <td>I</td> <td>Current demand (amp).</td> </tr> </tbody> </table> <p>(3) You can obtain values for the utilization factor (U) from DNV RP B401, Table 6.9.1 (incorporated by reference as specified in § 250.198). You can obtain values for electrochemical efficiency (v) from the anode manufacturer.</p>	Variable	Description	T	Time (years).	M	Total net anode mass (pounds).	U	Utilization factor.	v	Electrochemical efficiency (amp x hour/pound).	I	Current demand (amp).	1002	(e) Pipelines shall be provided with an external protective coating capable of minimizing underfilm corrosion and a cathodic protection system designed to mitigate corrosion for at least 20 years.	New rule differentiates anode cathodic protection system and requires a design life of 30 years or the design life of the pipeline, whichever is longer. Current rule has a 20 year design life. Incorporating the design life of the pipeline is problematic since most pipelines don't have a finite design life.
Variable	Description															
T	Time (years).															
M	Total net anode mass (pounds).															
U	Utilization factor.															
v	Electrochemical efficiency (amp x hour/pound).															
I	Current demand (amp).															
250.1035	What are the design requirements for sour service?															
	If your pipeline will operate in a sour environment (fluids containing water as liquid and H ₂ S exceeding the limits defined in paragraphs 1.3.1.1 and 1.3.1.2 of NACE Standard MR0175 (incorporated by reference as specified in § 250.198)), you must design your pipeline in accordance with section 10.5 of NACE Standard MR0175.			New section , provide design criteria for sour service. The propose rule does not distinguish the general requirements for designing of a DOI or DOT pipeline.												
250.1036	When must I sectionalize a pipeline?															
	The Regional Supervisor may require you to design your pipeline in sections to reduce the volume of your worst case discharge (see 30 CFR 254.47).			New section , design criteria to reduce volume in a worst case discharge												

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
Pipeline Fabrication				
250.1038	What are the general requirements for fabricating a pipeline?			
	You must fabricate each pipeline in a manner that:			New section. Provide general requirement for fabricating a pipeline. The propose rule does not distinguish the general requirements for DOI or DOT pipeline.
	(a) Adheres to a suitable quality control program that includes inspection, testing, spot checks, and evaluation by qualified personnel;			
	(b) Adheres to the specified design tolerances;			
	(c) Conforms to recognized engineering practices; and			
	(d) Complies with applicable regulations, codes, guides, standards, and recommended practices.			
Pipeline Construction				
250.1040	What are the general requirements for constructing a pipeline?			
	You must construct each pipeline in accordance with your approved application, and in a manner that:			New section, expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". The propose rule does not distinguish the general requirements for designing of a DOI or DOT pipeline.
	(a) Minimizes construction stresses and strains;			
	(b) Ensures that the pipeline is constructed on the approved route;			
	(c) Avoids or mitigates geologic and manmade hazards, artificial reefs, archaeological resources, and biologically sensitive features;			
	(d) Minimizes the length of unsupported spans; and			
	(e) Protects the pipeline from damage.			
250.1041	Who must I notify before I begin construction?			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns												
	<p>Before you begin pipeline construction, you must make the notifications in the following table:</p> <table border="1" data-bbox="243 443 1066 1243"> <thead> <tr> <th data-bbox="243 443 436 537">Who you must notify</th> <th data-bbox="436 443 625 537">When you must make notification</th> <th data-bbox="625 443 1066 537">Other requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 537 436 751">(a) U.S. Coast Guard (USCG)</td> <td data-bbox="436 537 625 751">At least 30 calendar days before you conduct pipeline construction operations</td> <td data-bbox="625 537 1066 751">You are encouraged to notify the applicable USCG Marine Safety Office so that a Notice to Mariners can be prepared.</td> </tr> <tr> <td data-bbox="243 751 436 1057">(b) Military installations</td> <td data-bbox="436 751 625 1057">Before you conduct pipeline construction operations in an established military warning or water test area</td> <td data-bbox="625 751 1066 1057">You must notify the commander of the military installation that exercises jurisdiction of the area concerning the control of electromagnetic emissions and the use of vessels, equipment, and aircraft in the area.</td> </tr> <tr> <td data-bbox="243 1057 436 1243">(c) MMS, Regional Supervisor</td> <td data-bbox="436 1057 625 1243">At least 48 hours before you commence construction operations</td> <td data-bbox="625 1057 1066 1243">You must make this notification by telefax or email, using Form MMS-153 (Notification of Pipeline Installation/Relocation/Hydrotest).</td> </tr> </tbody> </table>	Who you must notify	When you must make notification	Other requirements	(a) U.S. Coast Guard (USCG)	At least 30 calendar days before you conduct pipeline construction operations	You are encouraged to notify the applicable USCG Marine Safety Office so that a Notice to Mariners can be prepared.	(b) Military installations	Before you conduct pipeline construction operations in an established military warning or water test area	You must notify the commander of the military installation that exercises jurisdiction of the area concerning the control of electromagnetic emissions and the use of vessels, equipment, and aircraft in the area.	(c) MMS, Regional Supervisor	At least 48 hours before you commence construction operations	You must make this notification by telefax or email, using Form MMS-153 (Notification of Pipeline Installation/Relocation/Hydrotest).			<p>New section, expend from the current rule, 250.1007. 250.1041(a) is to publish "Notice to Mariners" under USCG regulations; 250.1041(b) is to notify commander of military installation in established military warning area before conducting construction operations.</p> <p>Note there are 11 military warning and 5 water test areas in the GOM today.</p>
Who you must notify	When you must make notification	Other requirements														
(a) U.S. Coast Guard (USCG)	At least 30 calendar days before you conduct pipeline construction operations	You are encouraged to notify the applicable USCG Marine Safety Office so that a Notice to Mariners can be prepared.														
(b) Military installations	Before you conduct pipeline construction operations in an established military warning or water test area	You must notify the commander of the military installation that exercises jurisdiction of the area concerning the control of electromagnetic emissions and the use of vessels, equipment, and aircraft in the area.														
(c) MMS, Regional Supervisor	At least 48 hours before you commence construction operations	You must make this notification by telefax or email, using Form MMS-153 (Notification of Pipeline Installation/Relocation/Hydrotest).														
250.1042	What must I do to avoid or mitigate hazards during construction?															
	<p>To avoid or mitigate hazards during pipeline construction, you must comply with the requirements in the following table:</p> <table border="1" data-bbox="243 1369 1066 1399"> <thead> <tr> <th data-bbox="243 1369 470 1399">Requirement</th> <th data-bbox="470 1369 701 1399">What you must do</th> <th data-bbox="701 1369 1066 1399">Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1399 470 1399"></td> <td data-bbox="470 1399 701 1399"></td> <td data-bbox="701 1399 1066 1399"></td> </tr> </tbody> </table>	Requirement	What you must do	Details						<p>New section, 250.1042(a) and (c) provide tips to avoid buoy hazards before P/L construction operations</p>						
Requirement	What you must do	Details														

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(a) Buoying hazards	Before you perform pipeline construction operations or other bottom-disturbing activities (2) In areas congested with pipelines or debris, use buoys to outline a safe working area large enough to accommodate your proposed pipeline construction operations.	You must: (1) Buoy all existing pipelines and other potential hazards located within 500 feet of the operation (including anchor patterns); or			or other bottom disturbing activities. The USCG, not MMS, is responsible for buoying currently. Prepare location plat; provide copies of plat to key personnel on all vessels associated with P/L construction operations. Expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". Navigation systems are more commonly used today than buoying. In (c) (2) the term "key personnel" in too broad and should be better defined.
	(b) Navigation system	In lieu of complying with paragraph (a) of this section	You may use a state-of-the-art, real-time primary navigational positioning equipment (e.g., DGPS) on all vessels (e.g., pipeline construction vessels, derrick barges, anchor-handling vessels) associated with your pipeline construction operations to depict existing pipelines and other potential hazards.			
	(c) Location plat	Before you perform pipeline construction	You must: (1) Prepare a plat with a minimum scale of 1:12,000 oriented to true			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		operations	north depicting the location of proposed pipeline construction operations, all associated anchor patterns, existing pipelines (both active and inactive), debris fields, or other potential hazards in the area. The plat must be dated, accurate, and indicative of current conditions (including post-hurricane conditions and recent construction or modification activities); and			
			(2) Provide copies of the plat to key personnel on all vessels (e.g., pipeline construction vessels, derrick barges, and anchor-handling vessels) associated with your pipeline construction operations.			
250.1043	What must I do to install a hot tap?					
	To install a hot tap, you must comply with the requirements in the following table:			LTL 1991	When installing a hot tap on an existing pipeline located in water depths less than 200 feet, the pipeline shall be inspected in the vicinity of the proposed work to ensure that the proper cover has been maintained. If it is determined that environmental or other factors have detrimentally	New section , 250.1043 (a)(1) requires notifying MMS if environmental or other factors have detrimentally affected existing P/L; 250.1043(a)(2) requires preparing and submitting corrective action plan for existing P/L. Expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines".
	Requirement	What you must do	Details			
	(a) Area inspection	If you plan to install a hot tap on an existing pipeline located in a water depth less than 200 feet, you must first determine whether	(1) Notify the Regional Supervisor within 48 hours after you first observe the problem; and (2) Submit a plan of corrective action under			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		proper cover is being maintained on the portion of the pipeline in the vicinity of the proposed work. If you determine that environmental or other factors have detrimentally affected the burial depth of the pipeline	§ 250.1097 to the Regional Supervisor within 30 calendar days after you first observe the problem.	affected the burial depth of the pipe, a plan of corrective action shall be submitted to the Regional Supervisor, Field Operations for approval within 30 days of discovery.	The 48 hour notification to Regional Supervisor is new.
	(b) Cathodic protection system measurements	If your pipeline is located in: (1) The AKOCSR; or (2) The GOMR or POCSR, and (i) The pipeline is composed of any pipe that is more than 20 years old; or (ii) The life expectancy of the cathodic protection system cannot be calculated	Take measurements of the pipe-to-electrolyte potential at locations along submerged sections of a pipeline when you conduct hot tap operations on a pipeline.	An application to modify a pipeline by installing a hot tap shall include the design specifications and installation procedures.	Section (b) on cathodic protection is new.
250.1044	What must I do to protect a horizontal component?				
	To protect the horizontal component during construction, you must comply with the requirements in the following table:		1003	(a)(1) Pipelines greater than 8-5/8 inches in diameter and installed in water depths of less than 200 feet shall be buried to a depth of at least 3 feet unless they are located in pipeline congested areas or seismically active areas as determined by the Regional Supervisor. Nevertheless, the	New section , 250.1044(e) requires consulting with US Army Corps of engineers on burial in fairways and anchorage areas. Expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". Sections (a) and (b) are new.
	Component or activity	Requirement			
	(a) External coating	You must protect the external coating of the horizontal component during construction.			
	(b) Cathodic protection system	You must locate and install the components of the cathodic protection system in a manner that will minimize the possibility of damage.			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	(c) Burial	You must bury each pipeline you install in water depths less than 200 feet to a depth of at least three feet below the mud line. On a case-by-case basis, the Regional Supervisor may:	LTL 1991	Regional Supervisor may require burial of any pipeline if the Regional Supervisor determines that such burial will reduce the likelihood of environmental degradation or that the pipeline may constitute a hazard to trawling operations or other uses. A trawl test or diver survey may be required to determine whether or not pipeline burial is necessary or to determine whether a pipeline has been properly buried.	<p>Section (c) (2) is new for pipelines transporting a H₂S product.</p> <p>Section (d) could have a major impact on the transportation industry since it gives the Regional Supervisor unilateral authority to require burial or protection of any pipeline he deems to present a hazard to the environment or trawling operations or other uses.</p>
	(1) Grant you approval to allow a pipeline to self bury, or allow you to use an alternative method of compliance in accordance with the provisions of § 250.141; or	<p>The Regional Supervisor, Field Operations has determined that a pipeline under DOI jurisdiction (DOI pipeline) which is 8 inches in diameter or less and installed in a water depth of less than 200 feet shall be buried to a depth of at least 3 feet unless it is to be installed in an area determined to be prone to self-burial. Please be reminded that the U.S. Army Corps of Engineers may have more stringent burial requirements for a pipeline that enters or crosses a safety fairway or an anchorage area.</p>			
	(2) Require you to increase the burial depth of a pipeline that will transport a product containing H ₂ S in highly congested or active areas.				
(d) Other protective measures	The Regional Supervisor may require burial or other protection of the pipeline in any water depth if the Regional Supervisor determines that such measures will reduce the likelihood of environmental degradation, or mitigate a potential hazard to trawling operations or other uses of the OCS.				
(e) Burial in fairways and anchorage areas	You must consult with the U.S. Army Corps of Engineers as they may have more stringent burial requirements for pipelines that enter or cross safety fairways or anchorage areas.				
(f) Spanning	You must provide sufficient supports, or use other mitigation measures (e.g., installing strakes), to avoid excessive loads or deformations and fatigue damage that could result from spanning.				

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns												
250.1045	<p>What must I do to protect a riser?</p> <p>To protect a riser during construction, you must comply with the requirements in the following table:</p> <table border="1" data-bbox="243 475 1066 1003"> <thead> <tr> <th data-bbox="243 475 478 508">You must have . . .</th> <th data-bbox="478 475 1066 508">and you must . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 508 478 573">(a) External coating</td> <td data-bbox="478 508 1066 573">Protect the external coating of the riser during construction.</td> </tr> <tr> <td data-bbox="243 573 478 662">(b) Cathodic protection system</td> <td data-bbox="478 573 1066 662">Locate and install the components of the cathodic protection system in a manner that will minimize the possibility of damage.</td> </tr> <tr> <td data-bbox="243 662 478 784">(c) Vortex induced vibration (VIV) suppression devices</td> <td data-bbox="478 662 1066 784">Protect any preinstalled VIV suppression devices during construction.</td> </tr> <tr> <td data-bbox="243 784 478 946">(d) Impact protection</td> <td data-bbox="478 784 1066 946">(1) Protect a pipeline riser from physical damage that could result from contact with floating vessels by using riser guards or other protection measures that are capable of transferring impact loads to the platform structure; and</td> </tr> <tr> <td data-bbox="243 946 478 1003"></td> <td data-bbox="478 946 1066 1003">(2) Not use pipe-in-pipe configurations as riser impact protection.</td> </tr> </tbody> </table>	You must have . . .	and you must . . .	(a) External coating	Protect the external coating of the riser during construction.	(b) Cathodic protection system	Locate and install the components of the cathodic protection system in a manner that will minimize the possibility of damage.	(c) Vortex induced vibration (VIV) suppression devices	Protect any preinstalled VIV suppression devices during construction.	(d) Impact protection	(1) Protect a pipeline riser from physical damage that could result from contact with floating vessels by using riser guards or other protection measures that are capable of transferring impact loads to the platform structure; and		(2) Not use pipe-in-pipe configurations as riser impact protection.			New section, expend from the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines".
You must have . . .	and you must . . .															
(a) External coating	Protect the external coating of the riser during construction.															
(b) Cathodic protection system	Locate and install the components of the cathodic protection system in a manner that will minimize the possibility of damage.															
(c) Vortex induced vibration (VIV) suppression devices	Protect any preinstalled VIV suppression devices during construction.															
(d) Impact protection	(1) Protect a pipeline riser from physical damage that could result from contact with floating vessels by using riser guards or other protection measures that are capable of transferring impact loads to the platform structure; and															
	(2) Not use pipe-in-pipe configurations as riser impact protection.															
250.1046	<p>What must I do to protect an appurtenance and crossing?</p> <p>(a) Protection methods. You must protect all pipeline valves, taps, tie-in assemblies, capped pipelines, flanges, crossings, and repaired sections installed in water depths less than 500 feet with at least 3 feet of cover or with a protective device (e.g., cement mats, cages) unless an alternate procedure is otherwise approved by the Regional Supervisor in accordance with the provisions of § 250.141.</p> <table border="1" data-bbox="243 1255 1066 1409"> <thead> <tr> <th data-bbox="243 1255 478 1287">If you . . .</th> <th data-bbox="478 1255 1066 1287">You must . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1287 478 1385">(1) Bury the appurtenance or crossing</td> <td data-bbox="478 1287 1066 1385">Maintain the three-foot burial depth throughout the life of the pipeline, including after the pipeline has been decommissioned in place.</td> </tr> <tr> <td data-bbox="243 1385 478 1409">(2) Use a protective</td> <td data-bbox="478 1385 1066 1409">Design it to be compatible with other uses of the</td> </tr> </tbody> </table>	If you . . .	You must . . .	(1) Bury the appurtenance or crossing	Maintain the three-foot burial depth throughout the life of the pipeline, including after the pipeline has been decommissioned in place.	(2) Use a protective	Design it to be compatible with other uses of the	1003	(a)(2) Pipeline valves, taps, tie-ins, capped lines, and repaired sections that could be obstructive shall be provided with at least 3 feet of cover unless the Regional Supervisor determines that such items present no hazard to trawling or other operations. A protective device may be used to cover	New section, 250.1046(c) requires to notify MMS if environmental or other factors have detrimentally affected existing P/L; prepare and submit corrective action plan for existing P/L. This section is also the expansion of the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". Water depths less than 500 feet is new.						
If you . . .	You must . . .															
(1) Bury the appurtenance or crossing	Maintain the three-foot burial depth throughout the life of the pipeline, including after the pipeline has been decommissioned in place.															
(2) Use a protective	Design it to be compatible with other uses of the															

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	device	OCS. The height and the slope of the device must allow for a smooth transition over the appurtenance or crossing.		an obstruction in lieu of burial if it is approved by the Regional Supervisor prior to installation.	
	<p>(b) Separation. You must install the pipeline in a manner that:</p> <p>(1) Provides for a separation of at least 12 inches for the life of the pipeline at pipeline crossings, power cable crossings, etc.; and</p> <p>(2) Prevents physical contact with existing umbilicals and communication cables.</p>		1003	(a)(3) Pipelines shall be installed with a minimum separation of 18 inches at pipeline crossings and from obstructions.	New section requires a separation of 12 inches versus 18 in the current rule.
	<p>(c) Existing pipelines. If you plan to install a pipeline that will tie into or cross an existing pipeline, you must examine the portion of the existing pipeline in the vicinity of the proposed tie-in or crossing. If you determine that environmental or other factors have detrimentally affected the burial depth of the pipe or any appurtenance, any protective cover of the pipe (in water depths less than 200 feet), or any protective cover for any appurtenance (in water depths less than 500 feet), you must notify the Regional Supervisor. The Regional Supervisor may require the responsible party to submit a plan of corrective action (under § 250.1097) to remedy the problem.</p>		LTL 1991	When installing a pipeline that will tie in to or cross an existing pipeline, that portion of the existing pipeline in the vicinity of the tie-in or crossing shall be inspected to ensure that proper cover has been maintained. If it appears that environmental or other factors have detrimentally affected the burial depth of the pipe (for pipelines in water depths less than 200 feet) or the protective cover of an appurtenance, the Regional Supervisor, Field Operations shall be notified immediately so that appropriate corrective measures can be taken.	New rule adds in water depths of less than 500 feet for appurtenances.
	<p>(d) Atmospheric zone. You must protect valves and fittings exposed to the atmosphere with a suitable coating.</p>				
250.1047	What must I do to construct a pipeline in or near a designated use area?				
	If you construct a pipeline in or near a designated use area, you must follow the requirements in the following table. Pipeline construction operations				New section, 250.1047(a)(4) requires operator to enter into

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns										
	<p>include the use of anchors, chains, and wire ropes.</p> <table border="1" data-bbox="243 410 1066 1427"> <tr> <td data-bbox="243 410 548 505">If your pipeline construction operations . . .</td> <td data-bbox="548 410 1066 505">Then . . .</td> </tr> <tr> <td data-bbox="243 505 548 781">(a) Are conducted in or near a designated military warning or water test area</td> <td data-bbox="548 505 1066 781">You must: (1) Assume all risks of damage to property, or injury to persons you employ or who are otherwise connected with your pipeline construction operations, that is caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;</td> </tr> <tr> <td data-bbox="243 781 548 1117"></td> <td data-bbox="548 781 1066 1117">(2) Indemnify and hold harmless the United States against all claims for loss, damage, or injury sustained by persons you employ, or who are otherwise connected with your pipeline construction operations, that are caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;</td> </tr> <tr> <td data-bbox="243 1117 548 1393"></td> <td data-bbox="548 1117 1066 1393">(3) Control your electromagnetic emissions in accordance with the requirements specified by the commander of the military installation that has jurisdiction over the military warning or water test area to the degree necessary to prevent damage to, or interference with, Department of Defense flight, testing, or operations; and</td> </tr> <tr> <td data-bbox="243 1393 548 1427"></td> <td data-bbox="548 1393 1066 1427">(4) Enter into an agreement with the</td> </tr> </table>	If your pipeline construction operations . . .	Then . . .	(a) Are conducted in or near a designated military warning or water test area	You must: (1) Assume all risks of damage to property, or injury to persons you employ or who are otherwise connected with your pipeline construction operations, that is caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;		(2) Indemnify and hold harmless the United States against all claims for loss, damage, or injury sustained by persons you employ, or who are otherwise connected with your pipeline construction operations, that are caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;		(3) Control your electromagnetic emissions in accordance with the requirements specified by the commander of the military installation that has jurisdiction over the military warning or water test area to the degree necessary to prevent damage to, or interference with, Department of Defense flight, testing, or operations; and		(4) Enter into an agreement with the			<p>agreement with commander of individual command headquarters when operating or causing operations in military warning area. 250.1047(b) request operator to contact representatives of Industry Task Force on Offshore Lightering to discuss potential conflicts. 250.1047(d) requires operator contact appropriate State natural resource agency if activities could disturb State-established artificial reef (e) requires operator to take specific steps when in the vicinity of any USAF communications towers. This section is also the expansion of the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines".</p>
If your pipeline construction operations . . .	Then . . .													
(a) Are conducted in or near a designated military warning or water test area	You must: (1) Assume all risks of damage to property, or injury to persons you employ or who are otherwise connected with your pipeline construction operations, that is caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;													
	(2) Indemnify and hold harmless the United States against all claims for loss, damage, or injury sustained by persons you employ, or who are otherwise connected with your pipeline construction operations, that are caused by any act or omission, regardless of negligence or fault, resulting from the programs or activities of the military installation exercising jurisdiction over the military warning or water test area;													
	(3) Control your electromagnetic emissions in accordance with the requirements specified by the commander of the military installation that has jurisdiction over the military warning or water test area to the degree necessary to prevent damage to, or interference with, Department of Defense flight, testing, or operations; and													
	(4) Enter into an agreement with the													

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		<p>commander of the individual command headquarters when you operate, or cause to be operated on your behalf, a boat, ship, or aircraft in a military warning or water test area. Such an agreement must provide for the positive control of boats, ships, and aircraft operating in the military warning or water test area at all times.</p>			
	<p>(b) Will be in a designated lightering zone (see 33 CFR 156.300) or traditional lightering area in the Gulf of Mexico</p>	<p>You must contact representatives of the Industry Taskforce on Offshore Lightering to discuss potential conflicts between your pipeline construction operations and the lightering activities in these zones and areas.</p>			
	<p>(c) Could be in a designated safety fairway or anchorage area, in a safety or security zone, or near a deepwater port</p>	<p>The operations are subject to the prohibitions, restrictions, procedures, and other requirements contained in applicable U.S. Coast Guard regulations (see 33 CFR part 166 for fairways and anchorage areas, 33 CFR part 165 for safety and security zones, and 33 CFR part 150 for deepwater ports).</p>			
	<p>(d) Are in the vicinity of a State-established artificial reef</p>	<p>You must: (1) Contact the appropriate State natural resource agency or artificial reef coordinator; and</p>			
		<p>(2) Ensure that the pipeline route is not within 1000 feet, or other distance specified by the Regional Supervisor, from the perimeter of the artificial reef area.</p>			
	<p>(e) Could disturb the sea floor in or near an area that was used until 1970 by the Department of Defense as an ordnance</p>	<p>You must consider the area as potentially hazardous and take appropriate and necessary precautions.</p>			

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	dumping area (f) Are in the vicinity of any U.S. Air Force communication towers in the Gulf of Mexico	You must ensure that: (1) The construction vessel and any support vessels do not move within: (i) A 500-foot radius of the center of a tower site; and (ii) 100 feet of the centerline of a line of sight between a master tower and a remote tower; and (2) Your electromagnetic transmissions do not interfere with the operation of the towers.			
250.1048	What must I do to construct a pipeline in or near a sensitive biological feature or area?				
	If you construct a pipeline in or near a biological feature or area, you must follow the requirements in the following table. Pipeline construction operations include the use of anchors, chains, and wire ropes.				New section, 250.1048(a)(1), requires to submit application to install new P/L, including exceptions/departures, consents and notices, federal/state permits, agreements, reports, attachments. Provide copies of application to impacted lessees, designated lease operators, P/L ROW grant holders, and affected states. This section is also the expansion of the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines".
	If your pipeline construction operations could . . .	Then . . .			
	(a) Disturb seafloor areas in water depths greater than 1,312 feet	You must: (1) If required by the Regional Supervisor, obtain appropriate high-resolution geophysical data of chemosynthetic communities in the area of pipeline construction operations to accurately identify and locate the features to prepare the required submittals (e.g., bathymetry map, survey report);			
		(2) Locate all seafloor disturbances (including those caused by anchors, anchor chains, wire ropes, appurtenance installation, and the pipeline) at least 250 feet from any identified features or areas that could support high-density chemosynthetic communities; and			

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		(3) Use a state-of-the-art primary navigation system (e.g., DGPS) on your pipeline construction vessel and anchor-handling vessels to ensure that any seafloor disturbances do not occur within 250 feet of such features of areas.			
	(b) Disturb the sensitive biological habitats (e.g., coral reefs) associated with an identified topographic feature	You must: (1) Locate all seafloor disturbances (including those caused by anchors, anchor chains, wire ropes, appurtenance installation, and the pipeline) at least 500 feet outside the boundary of the designated "No Activity Zone" of such a feature; and (2) Use a state-of-the-art primary navigation system (e.g., DGPS) on your pipeline construction vessel and anchor-handling vessels to ensure that any seafloor disturbances do not occur within 500 feet of the boundary of the designated "No Activity Zone" of such a feature.			
	(c) Disturb live bottoms (pinnacle trend features or seamounts) that likely provide habitat for high-density biological assemblages	You must: (1) If required by the Regional Supervisor, obtain appropriate high-resolution geophysical data or photo-documentation of live bottoms (pinnacle trend features or seamounts) in the area of pipeline construction operations to accurately identify and locate the features and to prepare the required submittals (e.g., bathymetry map, survey report);			
		(2) Locate all seafloor disturbances (including those caused by anchors, anchor chains, wire ropes, appurtenance installation, and the pipeline) at least 100 feet from the identified live bottoms; and			
		(3) Use a state-of-the-art primary navigation			

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		system (e.g., DGPS) on your pipeline construction vessel and anchor-handling vessels to ensure that any seafloor disturbances do not occur within 100 feet of the live bottoms.			
	(d) Disturb live bottoms (low relief features) that likely provides habitat for sea grasses; aggregated fishes, turtles, or other fauna; or coral community organisms	You must: (1) If required by the Regional Supervisor, obtain appropriate high-resolution geophysical data or photo documentation of live bottoms (low relief features) in the area of operations to accurately identify and locate the features to prepare the required submittals (e.g., bathymetry map, survey report);			
		(2) Locate all seafloor disturbances (including those caused by anchors, anchor chains, wire ropes, appurtenance installation, and the pipeline) to avoid impacting the identified live bottoms; and			
		(3) Use a state-of-the-art primary navigation system (e.g., DGPS) on your pipeline construction vessel and anchor-handling vessels to ensure that you do not adversely impact the live bottoms.			
	(e) Disturb potentially sensitive biological features, as determined from your analysis or review of survey information	You must: (1) Locate all seafloor disturbances (including those caused by anchors, anchor chains, wire ropes, appurtenance installation, and the pipeline) to avoid impacting the potentially biological sensitive features; and			
		(2) Use a state-of-the-art primary navigation system (e.g., DGPS) on your pipeline construction vessel and anchor-handling vessels to ensure that you do not adversely impact the potentially sensitive biological			

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	(f) Adversely affect a marine sanctuary established by the Secretary of Commerce under the authority of section 302 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (16 U.S.C. 1432)	features. Marine sanctuaries are subject to the prohibitions, restrictions, procedures, and other requirements contained in 15 CFR part 922.								
250.1049	What must I do to construct a pipeline in or near an archaeological resource?									
	If you construct a pipeline in or near an archaeological resource, you must follow the requirements in the following table. Pipeline construction operations include the use of anchors, chains, and wire ropes.		1010	(c) If the right-of-way holder discovers any archaeological resource while conducting operations within the right-of-way, the right-of-way holder shall immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will inform the right-of-way holder how to protect it.	New section, 250.1049(b)(2) conduct further archaeological investigation and submit report if required. 250.1049(d) requires to notify MMS within 72 hours of discovery of archaeological resource. This section is also the expansion of the current rule, Subpart J, 250.1002, which indicated "Design requirements for DOI pipelines". What method of communications will the RS use to "specify" the survey area, etc.?					
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%; text-align: center;">If . . .</th> <th style="width:50%; text-align: center;">You must . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="216 971 653 1279">(a) An archaeological resource is known to exist, or the Regional Director has reason to believe that an archaeological resource may exist, in the area of the proposed pipeline construction operations</td> <td data-bbox="653 971 1083 1279">Obtain appropriate high-resolution geophysical data in the area of operations to accurately identify and locate the existing or potential archaeological resources to prepare a survey report. The Regional Supervisor will specify the survey area, instrumentation, and methodology.</td> </tr> <tr> <td data-bbox="216 1279 653 1399">(b) The review by the Regional Supervisor of the archaeological report included with your pipeline application (see § 250.1026(c))</td> <td data-bbox="653 1279 1083 1399">Either: (1) Locate the site of your pipeline construction operations to avoid the potential archaeological resource by at</td> </tr> </tbody> </table>		If . . .				You must . . .	(a) An archaeological resource is known to exist, or the Regional Director has reason to believe that an archaeological resource may exist, in the area of the proposed pipeline construction operations	Obtain appropriate high-resolution geophysical data in the area of operations to accurately identify and locate the existing or potential archaeological resources to prepare a survey report. The Regional Supervisor will specify the survey area, instrumentation, and methodology.	(b) The review by the Regional Supervisor of the archaeological report included with your pipeline application (see § 250.1026(c))	Either: (1) Locate the site of your pipeline construction operations to avoid the potential archaeological resource by at
If . . .	You must . . .									
(a) An archaeological resource is known to exist, or the Regional Director has reason to believe that an archaeological resource may exist, in the area of the proposed pipeline construction operations	Obtain appropriate high-resolution geophysical data in the area of operations to accurately identify and locate the existing or potential archaeological resources to prepare a survey report. The Regional Supervisor will specify the survey area, instrumentation, and methodology.									
(b) The review by the Regional Supervisor of the archaeological report included with your pipeline application (see § 250.1026(c))	Either: (1) Locate the site of your pipeline construction operations to avoid the potential archaeological resource by at									

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	concludes that an archaeological resource may be present	least the distance specified by the Regional Supervisor; or (2) Establish to the satisfaction of the Regional Director that an archaeological resource either does not exist or will not be adversely affected by your pipeline construction operations. In making this determination, the Regional Director may require you to conduct further archaeological investigations, using personnel, equipment, and techniques the Regional Director considers appropriate. You must submit the investigation report to the Regional Director for review.			
	(c) Based on further archaeological investigations, the Regional Director will notify you immediately if it's determined that the archaeological resource exists and may be adversely affected by your pipeline construction operations	Not take any action that may adversely affect the archaeological resource until the Regional Director has told you how to protect it.			
	(d) You discover a potential archaeological resource while conducting your pipeline surveys, pipeline construction operations, or any other activity related to the pipeline	Immediately halt all seafloor disturbing operations within the area of the discovery and notify the Regional Director of the discovery within 72 hours. If the site was impacted by your operations, or if impacts to the site or to the area cannot be avoided, the Regional Director			

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	<p>will specify the additional investigations you must conduct to determine if the resource is potentially eligible for listing to the National Register of Historic Places under criteria established by 36 CFR 60.4. If these investigations determine that the resource is potentially eligible for listing in the National Register of Historic Places, the Regional Director will tell you how to protect the resource, or how to mitigate adverse impacts to the site.</p>			
250.1050	<p>When must I prepare and implement an H₂S contingency plan for construction?</p>			
	<p>You must prepare an H₂S Contingency Plan before you construct a pipeline (using an anchor-supported construction vessel) that crosses a pipeline which transports a product with an H₂S concentration that, if released, could result in atmospheric concentrations of 20 ppm or more. The H₂S Contingency Plan must be in accordance with § 250.490(f) and cover your pipeline construction operations. You must:</p>			<p>New section, Reference to H₂S contingency plans/reports. This new requirement is an administrative burden since the operator would have to contact all pipelines in the vicinity to determine whether or not they transport H₂S that could result in atmospheric concentrations of 20 ppm or more if released. MMS should maintain and periodically update a database of any pipeline than transports H₂S that operators may query when constructing pipelines to see if a plan is needed.</p>
	<p>(a) Implement this H₂S Contingency Plan before the leading construction</p>			

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	vessel anchors are placed within 3,000 feet of the crossed pipeline, and maintain it in effect until no trailing construction vessel anchors are within 3,000 feet of the crossed pipeline; and			
	(b) Keep a copy of the H ₂ S Contingency Plan on the pipeline construction vessel.			
250.1051	What information must I submit after construction is completed?			
	<p>(a) Construction report. You must submit three copies of a pipeline construction report to the Regional Supervisor within 45 calendar days after you complete pipeline construction. The construction report must include:</p> <p>(1) The MMS-assigned pipeline segment number.</p> <p>(2) The dates you started and concluded pipeline construction operations.</p> <p>(3) An "as built" location plat, based on NAD 27 for the GOMR (Gulf) and POCSR, or NAD 83 for the AKOCSR and GOMR (Atlantic), drawn at a minimum scale of 1 inch = 2,000 feet that:</p> <p>(i) Depicts the same information you included with your pipeline application (see § 250.1017(a) and (b));</p> <p>(ii) Includes a list of the latitude and longitude coordinates in both NAD 27 and NAD 83, and the X-Y coordinates in NAD 27 for the GOMR (Gulf) and POCSR, or NAD 83 for AKOCSR and GOMR (Atlantic), of all key points;</p> <p>(iii) Depicts the boundaries of the pipeline ROW, as granted, if applicable; and</p> <p>(iv) Includes a certification by a registered engineer or land surveyor that attests to the accuracy of the "as-built" locations of the pipeline and appurtenances.</p> <p>(4) An electronic file containing the digital coordinates of the key points of the "as-built" pipeline and umbilical routes, including turns, and, if required by the Regional Supervisor, the position of lay barge anchors, chains, and cables. The digital data must be in decimal degrees latitude and longitude and based on NAD 83.</p> <p>(5) Discussion of the reasons for deviation if the pipeline route deviates from the route in your approved application by more than 200 feet.</p> <p>(6) The type, size, weight, number, and spacing of any anodes that were installed on the pipeline, if the information differs substantially from the information you provided in your approved pipeline application.</p> <p>(7) A description of the protective covering, anchor pins, or sand bags you</p>	98-09	<p>Effective April 1, 1997, you will submit proposed and as-built pipeline route data in digital format to the GOMR in accordance with 30 CFR 250.1007(a)(1) and 30 CFR 250.1008(b). This NTL describes the acceptable file format and the timing for the submittal of pipeline location data to the GOMR. This pipeline location data must be submitted in decimal degree latitude and longitude based on the North American Datum (NAD) of 1927. Data collected as NAD 83 must be submitted as NAD 27 equivalents derived using NADCON software, version 2.0 or better.</p> <p>Pursuant to 30 CFR 250.1007(a)(1), you will submit to the GOMR, Office of Field Operations, Pipeline Section, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, MS 5232, a</p>	<p>New section, expend from the current rule, 250.1008, requires to submit P/L construction report to MMS, including pressure test results, etc. Submit as-built location plat to National Ocean Service. New rule requires companies to submit construction reports within 45 days instead of current 90 days. Industry does not believe the reporting deadline should be accelerated.</p>

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	<p>used to install or protect a valve, tap, subsea tie-in, capped line, or other appurtenance, if the installation differs substantially from the design you provided in your approved pipeline application.</p> <p>(8) The pipe-to-electrolyte potential readings for hot taps required by § 250.1043(b).</p> <p>(9) A report of the hydrostatic pressure test (see § 250.1061) required by § 250.1060(a)(1).</p> <p>(10) A plat at a scale of 1 inch = 1,000 feet (or other scale required by the Regional Supervisor) that depicts bathymetry, any biologically-sensitive or archaeological feature (if applicable), and the position of all anchors, chains, and cables, if the pipeline or the associated anchors, chains, or cables are:</p> <p>(i) Located in the POCSR or AKOCSR; or</p> <p>(ii) Located in the GOMR, and if they are within:</p> <p>(A) 500 feet of the "No Activity Zone" of an identified topographic feature or other biologically-sensitive feature;</p> <p>(B) 100 feet of any live bottom (pinnacle trend feature or seamount) with a vertical relief of eight feet or more;</p> <p>(C) 100 feet of any live bottom (low relief feature); or</p> <p>(D) A distance specified by the Regional Supervisor of any potential archaeological resource.</p>		<p>3 ½-inch diskette containing the digital coordinates of key points of proposed pipeline routes in a fixed format ASCII file, with all applications for new lease term and right-of-way pipelines and applications to modify the routes of existing pipelines, submitted in accordance with 30 CFR 250.1000(b). Applications to modify the routes of existing pipelines will include digital location data for the entire pipeline segment, including the modified portion. The location data must include sufficient points to provide an accurate representation of the proposed route, including turns. The format of the ASCII file for proposed pipeline routes is outlined in the attached Appendix titled "Format for GOMR Pipeline Route Data Files." Pursuant to 30 CFR 250.1008(b), you will submit the digital as-built coordinates of key points of new or recently modified pipeline routes in a fixed format ASCII file. The as-built data</p>	

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			<p>for modified pipelines will include data for the entire pipeline segment, including the modified portion. As-built location data can be submitted to the GOMR via e-mail at pipeline_unit@mms.gov or via regular mail on 3 1/2-inch diskette. The format of the ASCII file for as-built pipeline routes is outlined in the attached Appendix.</p> <p>We encourage you to submit the required digital pipeline as-built data to the GOMR as soon as possible after the pipeline is laid, prior to submittal of the final pipeline construction report, so that it can be provided to the oil and gas industry and the general public. The final pipeline construction report for new and modified pipelines, including the certified location plat, will continue to be due no later than 90 days after completion of pipeline construction in accordance with 30 CFR 250.1008(b).</p> <p>The pipeline construction report will certify the accuracy of the previously</p>	

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			submitted digital as-built pipeline location data. Three copies of the pipeline construction report are required.	
	(b) MMS actions. The Regional Supervisor will review your pipeline construction report and inform you in writing of any deficiencies if the report is unacceptable.			
	(c) National Ocean Service (NOS). You must submit a copy of the "as-built" location plat required by paragraph (a)(3) of this section to the NOS within 45 calendar days after you complete pipeline construction.			
Pipeline Risers Connected to Floating Platforms				
250.1052	What are the requirements for pipeline risers connected to floating platforms?			New section has only a few changes from current section. Changes include adding the number of days by which reports must be submitted and more minor detail language in some sections.
	(a) General. New pipeline risers and major modifications of, or repairs to, existing risers connected to floating platforms are subject to the Pipeline Riser Verification Program. A major modification or major repair to a pipeline riser means: (1) The replacement, removal, or repair of any material, component, or appurtenance; (2) Any reconfiguration or external event that could affect the design life of the riser; or (3) Any operation on the riser that involves welding.	2007-G14	Under 30 CFR 250.910(b)(1)(i) and (2)(i), pipeline risers connected to floating platforms are subject to the platform verification program as associated structures. The Minerals Management Service (MMS) Gulf of Mexico OCS Region (GOMR) has determined that new pipeline risers are subject to a separate verification process that necessitates the use of an independent	New section , requirements for certified verification and qualifications of individual conducted on new pipeline risers and major modifications or repairs to existing risers. Items (1) through (3) are new.

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			<p>Certified Verification Agent (CVA) specifically for the pipeline riser. These pipeline risers are a critical component of any floating platform proposal and must meet stringent requirements for design, fabrication, and installation. Accordingly, the MMS GOMR has developed the following guidelines for the pipeline riser verification process as part of the platform verification program.</p>	
	<p>(b) Verification requirements. All pipeline risers subject to the Pipeline Riser Verification Program must undergo design verification, fabrication verification, and installation verification.</p>	<p>2007-G14</p>	<p>1. Pursuant to 30 CFR 250.916(b)(2)(i), a proposed pipeline riser for a floating facility must undergo design verification. 2. Pursuant to 30 CFR 250.917(b)(2)(i), a proposed pipeline riser for a floating facility must undergo fabrication verification for the initial fabrication of a riser. However, fabrication verification is not required if a. The proposed riser is identical in design to an existing riser on the same facility; b. The fabrication verification</p>	

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			<p>plan for the existing riser has been approved by the MMS GOMR;</p> <p>c. The proposed riser will be designed, fabricated, and installed by the same lessee, lease operator, or pipeline right-of-way (ROW) holder as the existing riser; and</p> <p>d. The outside diameter of the proposed riser is 8 5/8 inches or less.</p> <p>3. Pursuant to 30 CFR 250.918(b)(3)(ii), a proposed pipeline riser for a floating facility must undergo installation verification for the initial installation of a riser. However, installation verification is not required if</p> <p>a. The proposed riser is identical in design to an existing riser on the same facility;</p> <p>b. The installation verification plan for the existing riser has approved by the MMS GOMR;</p> <p>c. The proposed riser will be designed, fabricated, and installed by the same lessee, lease operator, or pipeline ROW holder as the existing riser; and</p>	

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			d. The outside diameter of the proposed riser is 8 5/8 inches or less.	
	(c) Certified Verification Agent (CVA). All pipeline risers subject to the Pipeline Riser Verification Program require separate verification that necessitates the use of a CVA specifically for the pipeline riser.			
	(d) CVA qualifications. (1) Your design verification must be conducted by, or be under the direct supervision of, a registered professional civil or structural engineer or equivalent with previous experience in directing the design of similar risers. (2) Your fabrication verification must be conducted by qualified personnel with previous experience in third-party fabrication verification or experience in the fabrication of similar risers. (3) Your installation verification must be conducted by qualified personnel with previous experience in third-party installation verification or experience in the installation of similar risers.	2007-G14	Qualifications for the individuals and organizations that act as design, fabrication, and installation pipeline riser CVA's are provided in 30 CFR 250.912(a) and 914(b).	
	(e) CVA responsibilities. (1) The CVA must conduct the activities specified in § 250.1054, 250.1055, and 250.1056. (2) The CVA must consider the provisions of applicable regulations, codes, guides, standards, recommended practices, approved plans, and the requirements of this subpart when performing riser verification. (3) Individuals or organizations acting as CVA's must not function in any capacity that would create a conflict of interest, or the appearance of a conflict of interest. (4) The CVA is the contact with the Regional Supervisor regarding all riser verification and reporting. The CVA is directly responsible for providing immediate reports to the Regional Supervisor of all incidents that affect the design, fabrication, and installation of pipeline risers.			
250.1053	What are the requirements for pipeline riser verification plans?			
	(a) Design verification plan. You must submit a design verification plan to the Regional Supervisor for approval before the design work is completed, before you start fabrication and installation, and at least 30 calendar days before you submit the associated pipeline application. You must submit a separate design verification plan for each pipeline riser. Your design verification plan must	2007-G14	Submit riser design verification plans required by 30 CFR 250.912(a) to the MMS GOMR before you complete	New section requires submitting riser design, fabrication, and installation verification plans, or modifications, include CVA nomination information and

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	<p>include:</p> <ol style="list-style-type: none"> (1) Riser diameter, service, type, and designer(s); (2) A project management timeline (Gantt Chart) that depicts key design activities and when the CVA will submit the interim and final reports required by § 250.1054(c) and (d); (3) Abstracts of the computer programs that will be used in design verification; (4) A summary of major design considerations and the approach that will be used to verify the validity of these design considerations; and (5) The CVA nomination information specified in paragraph (d) of this section. 		<p>the design work, before you start fabrication and installation, and at least 60 days before you submit the associated pipeline application. However, the MMS GOMR encourages you to submit your design verification plan before you start your design work. In your plan, include the number, diameter, service, type, and the designer(s) of each riser covered by the design verification plan. For each ROW pipeline riser, submit a separate design verification plan. For lease term pipeline risers, you may submit one design verification plan that covers those risers that will be installed on the same floating facility.</p>	<p>supporting data as well as changes in CVA or key personnel to Regional Supervisor for approval. requirements for submission of verification plan for pipeline riser New section requires plan to be submitted in 30 calendar days instead of the current 60 days. Industry does not believe the reporting deadline should be accelerated.</p>
	<p>(b) Fabrication verification plan. You must submit a fabrication verification plan to the Regional Supervisor for approval before you start fabrication and at least 30 days before you submit the associated pipeline application. You must submit a separate fabrication verification plan for each pipeline riser. Your fabrication verification plan must include the following:</p> <ol style="list-style-type: none"> (1) Riser diameter, service, and type; (2) A project management timeline (Gantt Chart) that depicts key fabrication activities and when the CVA will submit the interim and final reports required by § 250.1055(d) and (e); (3) A summary of major fabrication considerations and the approach that will 	<p>2007-G14</p>	<p>Submit riser fabrication verification plans required by 30 CFR 250.912(b) to the MMS GOMR before you start fabrication and at least 30 days before you submit the associated pipeline application. In your plan, include the number, diameter, service, and type of each riser</p>	

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	<p>be used to verify the validity of these fabrication considerations; and (4) The CVA nomination information specified in paragraph (d) of this section.</p>		<p>covered by the fabrication verification plan. For each ROW pipeline riser, submit a separate fabrication verification plan. For lease term pipeline risers, you may submit one fabrication verification plan that covers those risers that will be installed on the same floating facility.</p>	
	<p>(c) Installation verification plan. You must submit an installation verification plan to the Regional Supervisor at least 30 days before you submit the associated pipeline application. You must submit a separate installation verification plan for each pipeline riser. Your installation verification plan must include the following: (1) Riser diameter, service, and type; (2) A project management timeline (Gantt Chart) that depicts key installation activities and when the CVA will submit the interim and final reports required by § 250.1056(d) and (e); (3) Abstracts of the computer programs that will be used in installation verification; (4) A summary of major installation considerations and the approach to be used to verify the validity of these installation considerations; and (5) The CVA nomination information specified in paragraph (d) of this section.</p>	<p>2007-G14</p>	<p>Submit riser installation verification plans required by 30 CFR 250.912(c) to the MMS GOMR before you start fabrication and at least 30 days before you submit the associated pipeline application. In your plan, include the number, diameter, service, and type of each riser covered by the installation verification plan. For each ROW pipeline riser, submit a separate installation verification plan. For lease term pipeline risers, you may submit one installation verification plan that covers those risers that will be installed on the same floating facility.</p>	
	<p>(d) CVA nomination information. (1) As part of your design verification, fabrication verification, and installation verification plans, you must include</p>	<p>2007-G14</p>	<p>In your verification plans, include the information</p>	

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	<p>nominations for your proposed CVA's for the Regional Supervisor's approval.</p> <p>(2) For each nomination, you must provide a qualifications statement that includes the following information:</p> <ul style="list-style-type: none"> (i) Whether the nomination is for the design, fabrication, or installation phase of verification, or for any combination of these phases; (ii) Experience in the design, fabrication, or installation of similar risers; (iii) Experience in third-party verification, inspection, or auditing of similar risers; (iv) Resumes of key personnel and their responsibilities; (v) Size and type of organization or corporation; (vi) In-house availability of, or access to, appropriate technology, including computer programs, hardware, and testing materials and equipment; (vii) Ability to perform the CVA functions for the specific project considering current commitments; and (viii) Previous experience with MMS requirements and procedures. 		<p>required by 30 CFR 50.912(a), (b), and (c), and provide</p> <ul style="list-style-type: none"> a. A schedule of all phases of design, fabrication, and installation of the pipeline riser; b. A project management timeline (Gantt Chart) that depicts when the CVA will submit the interim and final reports required by 30 CFR 250.916(c), 917(c), and 918(c) to the MMS GOMR for each phase; and c. Your CVA nominations, as required by 30 CFR 250.911(d), including resumes of key personnel and their responsibilities. 	
	<p>(e) Modifications. Submit modifications to your verification plans, including changes in the CVA and key personnel, to the Regional Supervisor for approval.</p>	<p>2007-G14</p>	<p>Submit modifications to your verification plans, including changes in the CVA and key personnel, to the MMS GOMR for approval.</p>	
<p>250.1054</p>	<p>What must the CVA do to verify pipeline riser design?</p>			
	<p>The riser design CVA must use good engineering judgment and practices while conducting an independent verification of the design of the riser. The CVA must ensure that the riser is designed to withstand the environmental and functional load conditions appropriate for the intended design life of the riser at the proposed location. The pipeline riser design CVA must verify information, conduct analyses, and submit design reports as required by paragraphs (a) through (d) of this section.</p>			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(a) The CVA must verify the following: (1) Planning criteria, including the design basis; (2) Operational requirements; (3) Environmental loading data; (4) Soil conditions; (5) Safety factors; (6) Material and component specifications; (7) Cathodic protection design and riser coating; (8) Interference analysis; (9) Input for the design of vendor components, such as specialty joints and connectors; (10) Vortex-induced vibration (VIV) suppression system to ensure that specifications for installation and design meet required suppression efficiency; (11) Welding specifications to ensure that they are appropriate and adequate for the design and inspection of the riser; (12) Preliminary installation analysis; (13) Provisions to account for marine growth and associated cleaning recommendations; (14) Recommendations on in-service inspection frequency; and (15) Other pertinent parameters of the proposed design.</p>	2007-G14	<p>Verification and analysis. a. Verify the i. Planning criteria, including design basis; ii. Operational requirements; iii. Environmental loading data; iv. Soil conditions; v. Safety factors; vi. Material designations; vii. Cathodic protection, including riser coating; viii. Interference analysis; ix. Input for the design of vendor components, such as specialty joints, and witness of factory acceptance testing; x. Vortex-induced vibration (VIV) suppression system to ensure that specifications for installation and design meet required suppression efficiency; xi. Welding specifications to ensure they are adequate for design and inspection requirements; xii. Preliminary installation analysis; xiii. Provisions to account for marine growth; and xiv. Other pertinent parameters of the proposed design.</p>	<p>New rule adds item (14) – recommendations on in-service inspection frequency.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(b) The CVA must perform independent analyses of the following:</p> <p>(1) Riser design cases with appropriate load conditions, as specified in API RP 2RD (incorporated by reference as specified in § 250.198), including, but not limited to, operation, shut-in, and extreme;</p> <p>(2) Riser stresses, including extreme storm response for critical design conditions; and</p> <p>(3) Riser fatigue of selected cases that consider VIV, wave frequency fatigue analysis, vortex-induced motion (VIM), thermal and pressure cycles, riser interaction with seabed (touchdown zone), fatigue due to internal corrosion (if sour service), and other applicable concerns and issues.</p>	2007-G14	<p>Perform an independent analysis of the</p> <p>i. Design cases with appropriate load conditions, as specified in API RP 2RD, Design of Risers for Floating Production Systems (FPS's) and Tension-Leg Platforms (TLP's), First Edition, including but not limited to, operation, shut-in, and extreme;</p> <p>ii. Stress analyses, including extreme storm response for critical design conditions; and</p> <p>iii. Fatigue of selected cases, including, but not limited to, VIV, wave frequency, vortex-induced motion (VIM), thermal and pressure cycles, riser interaction with the seabed (touchdown zone), and, if sour service, fatigue due to internal corrosion.</p>	
	<p>(c) The CVA must submit interim design reports to the Regional Supervisor at intervals approved in your design verification plan. The CVA must include the following in each interim design report:</p> <p>(1) Details of how, by whom, and when the design verification activities were conducted to date;</p> <p>(2) Description of the CVA's activities during design verification to date;</p> <p>(3) Summary of the CVA's findings to date;</p> <p>(4) Description of any outstanding or notable issues found on the riser design</p>	2007-G14	<p>Interim reports. The CVA is to submit the interim design reports required by 30 CFR 250.916(c) to the MMS GOMR at intervals approved in your verification plan. The CVA is to include the following in each</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>to date; and (5) A Gantt chart showing project progress.</p>		<p>interim design report: a. Details of how, by whom, and when the verification and independent analyses were conducted to date; b. Description of the CVA's activities during the design verification process to date; c. Summary of the CVA's findings to date; d. Description of any outstanding or notable issues found on the riser design to date; and e. A Gantt chart showing project progress.</p>	
	<p>(d) The CVA must submit a final design report to the Regional Supervisor before fabrication begins and either within 90 calendar days after receipt of the design data, or within 90 calendar days after MMS approves the design verification plan, whichever is later. The CVA must submit a separate final design report for each pipeline riser. The CVA must include the following in the final design report: (1) Riser diameter, service, type, and designer(s); (2) Details of how, by whom, and when the design verification activities; (3) Description of the CVA's activities during design verification; (4) Summary of the CVA's findings; (5) Confirmation of compliance with the design specifications; (6) Recommendation to accept or reject the riser design; and (7) Any additional information and comments that the CVA deems necessary including, but not limited to: (i) Design basis; (ii) Summary of design CVA scope; (iii) Key drawings; (iv) Summary of input and output from the independent analyses performed;</p>	<p>2007-G14</p>	<p>Final report. In accordance with 30 CFR 250.916(c), the CVA must submit a final design report. For each ROW pipeline riser, the CVA is to submit a separate design report. For lease term pipeline risers, the CVA may submit one design report that covers those risers that will be installed on the same floating facility. The CVA is to include the following in the final design report: a. The number, diameter, service, type, and designer(s) of each riser covered by the</p>	<p>The new rule requires a report to be submitted to Regional Supervisor before fabrication begins and wither within 90 days after receipt of the design data or within 90 calendar days after MMS approves the design verification plan, whichever is later.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(v) Comparison between results of the original design analyses and the CVA design analyses; (vi) In-service inspection frequency and inspection method recommendations; and (vii) Cleaning recommendations.</p>		<p>design report; b. Details of how, by whom, and when the verification and independent analyses were conducted; c. Description of the CVA's activities during the design verification process; d. Summary of the CVA's findings; e. Confirmation of compliance with the design specifications; f. Recommendation to accept or reject the riser design; and g. Any additional information and comments that the CVA deems necessary including, but not limited to i.. Design basis; ii. Summary of design CVA scope; iii. Key drawings; iv. Summary of input and output from the independent analyses performed; v. Comparison between results of the original design analyses and the CVA design analyses; vi. The inspection report from any factory testing; vii. In-service inspection frequency and method; and</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			viii. Cleaning recommendations.	
250.1055	What must the CVA do to verify pipeline riser fabrication?			
	<p>The riser fabrication CVA must use good engineering judgment and practices while conducting an independent verification of the fabrication activities. The CVA must monitor the fabrication of the riser to ensure that it has been built according to the approved design and fabrication plans. If the CVA finds that fabrication procedures are changed or design specifications are modified, the CVA must inform you. If you accept the modifications, then the CVA must notify the Regional Supervisor. The pipeline riser fabrication CVA must make inspections, witness activities, perform spot checks and submit fabrication reports as required by paragraphs (a) through (e) of this section.</p>			<p>New section, 250.1055, 250.1055(d) and (e), requires CFA submits interim and final reports for the design, fabrication, and installation phases, including notice of procedure changes or modifications.</p>
	<p>(a) The CVA must make periodic onsite inspections while fabrication is in progress and verify the following fabrication items, as appropriate:</p> <ul style="list-style-type: none"> (1) Quality assurance and quality control programs; (2) Adequacy of fabrication site facilities; (3) Material quality and identification methods; (4) Fabrication procedures specified in the approved plan, and adherence to such procedures; (5) Welder and welding procedures qualification and identification; (6) Dimensional tolerances specified, and adherence to those tolerances; (7) Nondestructive examination (NDE) requirements, and evaluation results of the specific examinations; (8) Destructive testing requirements and results; (9) Repair procedures; (10) Installation of corrosion protection systems and splash-zone protection; and (11) Status of quality assurance and quality control records at various stages of fabrication. 	2007-G14	<p>Inspections and verification.</p> <ul style="list-style-type: none"> a. Make periodic onsite inspections while fabrication is in progress and verify the following fabrication items, as appropriate: <ul style="list-style-type: none"> i. Quality assurance and quality control programs; ii. Adequacy of fabrication site facilities; iii. Material quality and identification methods; iv. Fabrication procedures specified in the approved plan, and adherence to such procedures; v. Welder and welding procedures qualification and identification; vi. Dimensional tolerances specified, and adherence to those tolerances; 	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			vii. Nondestructive examination (NDE) requirements, and evaluation results of the specific examinations; viii. Destructive testing requirements and results; ix. Repair procedures; x. Installation of corrosion protection systems and splash-zone protection; and xi. Status of quality assurance and quality control records at various stages of fabrication.	
	(b) The CVA must witness: (1) Factory Acceptance Testing (FAT) of vendor components; and (2) Welding of specialty joint to riser material.	2007-G14	Witness the i. Acceptance testing of vendor components and ii. Welding of specialty joint to riser material.	
	(c) The CVA must perform spot checks as necessary to determine compliance with applicable regulations, codes, guides, standards, recommended practices, and approved plans.	2007-G14	Perform spot checks as necessary to determine compliance with applicable regulations, codes, guides, standards, recommended practices, and approved plans.	
	(d) The CVA must submit interim fabrication reports to the Regional Supervisor at intervals approved in your verification plan. The CVA must include the following in each interim fabrication report: (1) Details of how, by whom, when, and where the fabrication verification activities were conducted to date; (2) Description of the CVA's activities during fabrication verification to date; (3) Summary of the CVA's findings to date; (4) Description of any outstanding or notable riser design issues found to date;	2007-G14	Interim reports. The CVA is to submit the interim fabrication CVA reports required by 30 CFR 250.917(c) to the MMS GOMR at intervals approved in your verification plan. The CVA is to include	

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	<p>and (5) A Gantt chart showing project progress.</p>		<p>the following in each interim fabrication report: a. Details of how, by whom, and when the verification and independent analyses were conducted to date; b. A description of the CVA's activities during the fabrication verification process to date; c. A summary of the CVA's findings to date; d. A description of any outstanding or notable issues found on the riser design to date; and e. A Gantt chart showing project progress.</p>	
	<p>(e) The CVA must submit a final fabrication report to the Regional Supervisor within 90 calendar days after completion fabrication, but before the beginning of pipeline installation. The CVA must submit a separate final fabrication report for each pipeline riser. The CVA must include the following in the final fabrication report; (1) Riser diameter, service, and type; (2) Details of how, by whom, when, and where the fabrication verification activities were conducted; (3) A description of the CVA's activities during fabrication verification; (4) A summary of the CVA's findings; (5) Confirmation of compliance with the design specifications and the approved fabrication plan; (6) Recommendations to accept or reject the fabrication; and (7) Any additional information and comments that the CVA deems necessary, including:</p>	<p>2007-G14</p>	<p>Final report. In accordance with 30 CFR 250.917(c), the CVA must submit a final fabrication report. For each ROW pipeline riser, the CVA is to submit a separate fabrication report. For lease term pipeline risers, the CVA may submit one fabrication report that covers those risers that will be installed on the same floating facility. The CVA is to include the following in the final fabrication report:</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(i) Summary of fabrication scope; (ii) Welding program details; (iii) NDE program details, including acceptance criteria and evaluation results; (i) Dimensional control adherence; (v) The inspection report of the FAT of vendor components; and (vi) Quality assurance and quality control program details.</p>		<p>a. The number, diameter, service, and type of each riser covered by the fabrication report; b. Details of how, by whom, and when the independent monitoring activities were conducted; c. A description of the CVA's activities during the fabrication verification process; d. A summary of the CVA's findings; e. Confirmation of compliance with the design specifications and the approved fabrication plan; f. Recommendations to accept or reject the fabrication; and g. Any additional information and comments that the CVA deems necessary, including: i. Key drawings; ii. Summary of fabrication scope; iii. Welding program details; iv. NDE program details, including acceptance criteria and evaluation results; v. Dimensional control adherence; and vi. Quality assurance and</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			quality control program details.	
250.1056	What must the CVA do to verify pipeline riser installation?			
	<p>The pipeline riser CVA must use good engineering judgment and practice in conducting an independent verification of the installation activities. The CVA must monitor the installation of the riser to ensure that it has been built according to the approved design and installation plans. If the CVA finds that installation procedures are changed or design specifications are modified, the CVA must inform you. If you accept the modifications, the CVA must notify the Regional Supervisor. The pipeline riser installation CVA must verify compliance, perform spot checks, and submit fabrication reports as required by paragraphs (a) through (e) of this section.</p>			
	<p>(a) The CVA must verify the: (1) Quality assurance and quality control program; (2) Adequacy of installation vessel(s) and equipment; (3) Material quality and identification methods; (4) Installation procedures specified in the approved installation plan, and adherence to such procedures; (5) Welder and welding procedures qualification and identification; (6) Dimensional tolerances specified, and adherence to those tolerances; (7) NDE requirements, and evaluation results of the specified examinations; (8) Repair procedures; (9) Installation test data; (10) Installation of corrosion protection systems and splash-zone protection; (11) Installation of VIV suppression devices as specified in the approved design, and adherence to such design; and (12) Status of quality assurance and quality control records at various stages of installation.</p>	2007-G14	<p>Verification and inspections. a. Verify the i. Quality assurance and quality control program; ii. Adequacy of installation vessel(s) and equipment; iii. Material quality and identification methods; iv. Installation procedures specified in the approved installation plan, and adherence to such procedures; v. Welder and welding procedures qualification and identification; vi. Dimensional tolerances specified, and adherence to those tolerances; vii. Nondestructive examination requirements, and evaluation results of the</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			specified examinations; viii. Repair procedures; ix. Installation test data; x. Installation of corrosion protection systems and splash-zone protection; xi. Installation of VIV suppression devices as specified in the approved design, and adherence to such design; and xii. Status of quality assurance and quality control records at various stages of installation.	
	(b) The CVA must perform spot checks as necessary to determine compliance with applicable regulations, codes, guides, standards, recommended practices, and approved plans.	2007-G14	Perform spot checks as necessary to determine compliance with applicable regulations, codes, guides, standards, recommended practices, and approved plans;	
	(c) The CVA must witness the: (1) Pipe load-out at the shore base; and (2) Riser installation operations.	2007-G14	Witness: i. Pipe loadout at the shore base and ii. Riser installation operations, including (A) Pipe laying operations; (B) The attachment of specialty joint, fittings, and appurtenances to the riser; (C) Temporary subsea riser storage and pickup operations; (D) Handover/handoff	

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			operations; and (E) Pull-in/hangoff operations.	
	<p>(d) The CVA must submit interim installation reports to the Regional Supervisor at intervals approved in your verification plan. The CVA must include the following in each interim installation report:</p> <p>(1) Details of how, by whom, when, and where the installation verification activities were conducted to date;</p> <p>(2) Description of the CVA's activities during installation verification to date;</p> <p>(3) Summary of the CVA's findings to date;</p> <p>(4) Description of any outstanding or notable riser design issues found to date; and</p> <p>(5) A Gantt chart showing project progress.</p>	2007-G14	Interim reports. The CVA is to submit the interim installation reports required by 30 CFR 250.918(c) to the MMS GOMR at intervals approved in your verification plan. The CVA is to include the following in each interim installation report: <p>a. Details of how, by whom, and when the verification and independent analyses were conducted to date;</p> <p>b. A description of the CVA's activities during the installation verification process to date;</p> <p>c. A summary of the CVA's findings to date;</p> <p>d. A description of any outstanding or notable issues found on the riser design to date; and</p> <p>e. A Gantt chart showing project progress.</p>	
	<p>(e) The CVA must submit a final installation report to the Regional Supervisor within 45 calendar days after installation of the pipeline. The CVA must submit a separate installation report for each pipeline riser. The CVA must include the following in the final installation report:</p>	2007-G14	Final report. In accordance with 30 CFR 250.918(c), the CVA must submit a final installation report. For each	Industry suggests the deadline should be 90 calendar days and not 45 calendar days.

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	<p>(1) Riser diameter, service, and type; (2) Details of how, by whom, when, and where the installation verification activities were conducted; (3) A description of the CVA's activities during installation verification; (4) Summary of the CVA's findings; (5) Confirmation of compliance with the design specifications and the approved installation plan; (6) A recommendation to accept or reject the installation; and (7) Any additional information and comments that the CVA deems necessary, including: (i) Summary of installation scope; (ii) Welding program details, including weld maps; (iii) NDE program details, including acceptance criteria and evaluation results; (iv) Dimensional control adherence; (v) Quality assurance and quality control program details; (vi) Incidents that occurred during installation; and (vii) As-built drawings.</p>		<p>ROW pipeline riser, the CVA is to submit a separate installation report. For lease term pipeline risers, the CVA may submit one installation report that covers those risers that will be installed on the same floating facility. The CVA is to include the following in the final installation report: a. The number, diameter, service, and type of each riser covered by the installation report; b. Details of how, by whom, and when the independent monitoring activities were conducted; c. A description of the CVA's activities during the installation verification process; d. Summary of the CVA's findings; e. Confirmation of compliance with the design specifications and the approved fabrication plan; f. A recommendation to accept or reject the installation; and g. Any additional information and comments that the CVA</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			deems necessary, including: i. Key drawings; ii. Summary of installation scope; iii. Welding program details, including a weld map; iv. NDE program details, including acceptance criteria and evaluation results; v. Dimensional control adherence; vi. Quality assurance and quality control program details; vii. Incidents that occurred during installation; and viii. As-built drawings.	
Pipeline Pressure Testing				
250.1057	What are the general requirements for pressure testing a pipeline?			
	You must pressure test a pipeline in a manner that:			New section , general requirement for pressure test of a pipeline. This section of the propose rule does not clearly defined if this is for existing or new construction
	(a) Verifies that the pipeline has the requisite structural integrity to withstand normal and maximum operating pressures, and is capable of product containment;			
	(b) Ensures that the test equipment is properly selected and in good working order; and			
	(c) Uses work practices and procedures that reduce hazards to personnel and equipment, and protect the environment.			
250.1058	What are the requirements for conducting a hydrostatic pressure test for a pipeline?			

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	(a) Purpose. A hydrostatic pressure test must test the tensile strength of a pipeline by pressuring up the pipeline with water.			New section , specific details, time, equipment used, test medium when conducting the pressure test
	(b) Notification. You must notify the Regional Supervisor, using Form MMS-153 (Notification of Pipeline Installation/Relocation/Hydrotest), at least 48 hours before you conduct a hydrostatic pressure test on a pipeline.			
	(c) Equipment. During a hydrostatic pressure test, you must: (1) Measure the test fluid temperature and the test fluid pressure using synchronized temperature and pressure recorders; and (2) Use pressure gauges and recorders that are sufficiently accurate to determine whether the pipeline is leaking during the test.	1003	(b)(3) Pipelines shall not be pressure tested at a pressure which produces a stress in the pipeline in excess of 95 percent of the specified minimum-yield strength of the pipeline. A temperature recorder measuring test fluid temperature synchronized with a pressure recorder along with deadweight test readings shall be employed for all pressure testing. When a pipeline is pressure tested, no observable leakage shall be allowed. Pressure gauges and recorders shall be of sufficient accuracy to verify that leakage is not occurring.	
	(d) Procedures. When you conduct a hydrostatic pressure test, you must: (1) Test the pipeline (including the riser(s)) at a minimum stabilized pressure of at least 125 percent of the MAOP for the length of time specified in § 250.1060(a), (b), or (c); (2) Take deadweight test readings and record the reading, time, and reason for any pressure fluctuations at intervals no greater than 30 minutes; and (3) Use a test pressure that will not produce a stress in the pipeline in excess of 95 percent of the specified minimum-yield strength of the pipe.			New rules adds language “and reason for any pressure fluctuations at intervals no greater than 30 minutes”. Note MAOP is mentioned and is defined by MMS as the highest operating pressure allowable at any point in a pipeline.. This is different than the

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				DOT definition. It seems MMS incorrectly equates MAOP with MOP.
	(e) <i>Successful test.</i> A successful hydrostatic pressure test means that there was no observable leakage, and a stabilized pressure was maintained for the last 2 hours of the test.			
	(f) <i>Discharging test medium.</i> You must dispose of the test medium in accordance with applicable laws and regulations.			
250.1059	What are the requirements for leak testing a pipeline?			
	(a) <i>Conducting a leak test.</i> When you conduct a leak test, you must: (1) Use a stabilized pressure that is capable of detecting all leaks; (2) Use pressure gauges and recorders that are sufficiently accurate to determine whether the pipeline is leaking during the test; and (3) Conduct the test for at least two hours during daylight.			New section , clarify what a successful leak test means
	(b) <i>Successful leak test.</i> A leak test must successfully test the integrity of a pipeline. A successful leak test means no observable leakage during the test period.			
250.1060	When must I perform a pressure test on a pipeline?			
	(a) <i>Hydrostatic pressure test.</i> After you install the pipeline, you must successfully perform an 8-hour hydrostatic pressure test of a pipeline (including the riser(s)) before you: (1) Put a new pipeline into service; (2) Put a relocated pipeline into service; (3) Put a pipeline with an increased MAOP into service; (4) Reactivate a pipeline that was out of service for more than one year; (5) Re-commission a pipeline that was decommissioned; or (6) Re-activate a pipeline that was modified by adding new pipe (except in the case of a pipeline repair using a spool piece that complies with paragraph (c) of this section).	1003	(b)(1) Pipelines shall be pressure tested with water at a stabilized pressure of at least 1.25 times the MAOP for at least 8 hours when installed, relocated, uprated, or reactivated after being out-of-service for more than 1 year. 2) Prior to returning a pipeline to service after a repair, the pipeline shall be pressure tested with water or processed natural gas at a minimum stabilized pressure of at least 1.25 times the MAOP for at least 2 hours.	New section , 250.1060(d) requires to conduct MMS directed pressure test, prepare report, and submit report to MMS. In (4) MMS identifies “out of service” which by their definition is “not flowing”. (see 250.1086). This definition is problematic for the industry. Items (5) and (6) are new.

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	<p>(b) Pressure test after repair using a clamp. Before you return a pipeline to service following a repair using a clamp:</p> <table border="1" data-bbox="243 475 1066 724"> <thead> <tr> <th data-bbox="243 475 537 537">If you completed the repair using a . . .</th> <th data-bbox="537 475 1066 537">You must successfully perform . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 537 537 662">(1) Mechanical clamp</td> <td data-bbox="537 537 1066 662">A leak-test of the pipeline (including riser(s)) or, if required by the Regional Supervisor, an 8-hour hydrostatic pressure test of the pipeline (including riser(s)).</td> </tr> <tr> <td data-bbox="243 662 537 724">(2) Welded clamp</td> <td data-bbox="537 662 1066 724">An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).</td> </tr> </tbody> </table>	If you completed the repair using a . . .	You must successfully perform . . .	(1) Mechanical clamp	A leak-test of the pipeline (including riser(s)) or, if required by the Regional Supervisor, an 8-hour hydrostatic pressure test of the pipeline (including riser(s)).	(2) Welded clamp	An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).			<p>New section requiring pressure test after repair using a clamp. Clamps are routinely used for repairs and these repairs often are done without pressure tests. PE does not see a reason that a hydrostatic pressure test is necessary and DOT does not require this today. The language “if” required by the RS is too vague.</p>		
If you completed the repair using a . . .	You must successfully perform . . .											
(1) Mechanical clamp	A leak-test of the pipeline (including riser(s)) or, if required by the Regional Supervisor, an 8-hour hydrostatic pressure test of the pipeline (including riser(s)).											
(2) Welded clamp	An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).											
	<p>(c) Pressure test after repair using a spool piece. Before you return a pipeline to service following a repair using a spool piece you must meet the requirements in the following table:</p> <table border="1" data-bbox="243 849 1066 1227"> <thead> <tr> <th data-bbox="243 849 537 911">After you install the spool piece, if . . .</th> <th data-bbox="537 849 1066 911">You must successfully perform . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 911 537 1005">(1) You connected the spool piece using flanges</td> <td data-bbox="537 911 1066 1005">A 4-hour hydrostatic pressure bench test of the spool piece, and a leak test of the pipeline (including riser(s)).</td> </tr> <tr> <td data-bbox="243 1005 537 1130">(2) The spool piece is visible during the test and is not connected using flanges</td> <td data-bbox="537 1005 1066 1130">A 4-hour hydrostatic pressure test of the pipeline (including riser(s)), and a non-destructive test (i.e., x-rays) of the connections.</td> </tr> <tr> <td data-bbox="243 1130 537 1227">(3) The spool piece is not visible during the test</td> <td data-bbox="537 1130 1066 1227">An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).</td> </tr> </tbody> </table>	After you install the spool piece, if . . .	You must successfully perform . . .	(1) You connected the spool piece using flanges	A 4-hour hydrostatic pressure bench test of the spool piece, and a leak test of the pipeline (including riser(s)).	(2) The spool piece is visible during the test and is not connected using flanges	A 4-hour hydrostatic pressure test of the pipeline (including riser(s)), and a non-destructive test (i.e., x-rays) of the connections.	(3) The spool piece is not visible during the test	An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).			<p>The language in (c) (3) is confusing and needs to be clarified. (3) should never happen since the spool piece should be visible during a test.</p>
After you install the spool piece, if . . .	You must successfully perform . . .											
(1) You connected the spool piece using flanges	A 4-hour hydrostatic pressure bench test of the spool piece, and a leak test of the pipeline (including riser(s)).											
(2) The spool piece is visible during the test and is not connected using flanges	A 4-hour hydrostatic pressure test of the pipeline (including riser(s)), and a non-destructive test (i.e., x-rays) of the connections.											
(3) The spool piece is not visible during the test	An 8-hour hydrostatic pressure test of the pipeline (including riser(s)).											
	<p>(d) Directed pressure test. The Regional Supervisor may require you to pressure test a pipeline to verify its integrity whenever the Regional Supervisor determines that there is a reasonable likelihood that the pipeline was damaged or weakened by external or internal conditions. When so directed, you must submit the results of these tests to the Regional Supervisor</p>	<p>1003</p>	<p>(b)(4) The Regional Supervisor may require pressure testing of pipelines to verify the integrity of the system when the Regional</p>									

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	(see § 250.1061).		Supervisor determines that there is a reasonable likelihood that the line has been damaged or weakened by external or internal conditions.	
250.1061	What information must I include in a pressure test report?			
	(a) <i>Hydrostatic pressure test.</i> You must submit the results of the hydrostatic pressure test in conjunction with the reports required by § 250.1051(a)(9), 250.1060(d), 250.1086(g)(5), 250.1093(g)(5), 250.1095(e)(6), and 250.1113(b)(5). The pressure test report must include: (1) Test description; (2) Pressure and temperature charts; (3) Instrument calibration data; (4) Minimum and maximum pressure calculations; (5) Deadweight pressure test readings and temperature log; (6) Record of problems encountered during the test including their causes and corrective actions taken; and (7) Documentation of any factors that affected pressures or temperatures.			New section , 250.1061(a) requires to submit P/L construction report to MMS, including pressure test results, etc. and submit as-built location plat to National Ocean Service. Standard procedure
	(b) <i>Leak test.</i> You must submit the pressure and temperature charts of any required leak test in conjunction with the report required by § 250.1095(e)(7).			
Pipeline Safety Equipment				
250.1062	What are the general requirements for pipeline safety equipment?			
	You must provide each pipeline with safety equipment that:	1004	(a) The lessee shall ensure the proper installation, operation, and maintenance of safety devices required by this section on all incoming, departing, and crossing pipelines on platforms.	New section , general requirement for over pressure protection for pipeline safety equipment. These requirements should not apply to DOT transmission pipelines.
	(a) Prevents or minimizes the consequences of overpressure, leaks, and failures;			

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	(b) Protects personnel and the environment;									
	(c) Considers the need to limit surge pressures and other deviations from normal operations; and									
	(d) Is properly installed, operated, and maintained.									
250.1063	What are the safety equipment requirements for a departing pipeline?									
	(a) Departing pipeline means a pipeline that receives: (1) Production from a production, boosting, compressor, or manifold platform; a subsea well, manifold, or other facility; or an incoming pipeline; (2) Gas-lift gas; (3) Supply gas; or (4) Water, fuel, or chemicals.			New section, 250.1063(b)(3) requires to keep most current pressure recorder charts and well test records at nearest OCS facility and to make available to MMS for inspection.						
	(b) You must comply with the safety requirements for a departing pipeline in the following table:	1004	(3) Departing pipelines receiving production from production facilities shall be protected by high- and low-pressure sensors (PSHL) to directly or indirectly shut in all production facilities. The PSHL shall be set not to exceed 15 percent above and below the normal operating pressure range. However, high pilots shall not be set above the pipeline's MAOP. (7) Gas-lift or water-injection pipelines on unmanned platforms need only be equipped with an FSV installed immediately upstream of each casing annulus or the first inlet valve on the christmas tree.	New section in (2) outlining requirements for pipelines that transport H ₂ S.						
	<table border="1" data-bbox="243 784 1066 1401"> <thead> <tr> <th data-bbox="243 784 453 849">Safety equipment</th> <th data-bbox="453 784 1066 849">Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 849 453 971">(1) Pressure safety high and low (PSHL) sensors</td> <td data-bbox="453 849 1066 971">You must protect a departing pipeline with PSHL sensors that directly or indirectly shut in all delivering sources.</td> </tr> <tr> <td data-bbox="243 971 453 1401">(2) PSHL sensor settings</td> <td data-bbox="453 971 1066 1401">(i) You must set the PSHL sensors required by paragraph (a) of this section to activate at pressures that are no more than 15 percent above and below the limits of the normal operating pressure range of the pipeline. (ii) For pipelines that transport a product containing H₂S, you must set the pressure safety low (PSL) sensor to activate at a pressure that is no more than 10 percent below the lower limit of the normal operating pressure range of the pipeline. (iii) For a departing pipeline that receives production from a subsea well, you may set the pressure safety high (PSH) sensor to activate at a pressure that is up to 5 percent above the latest recorded wellhead shut-in tubing pressure. (iv) You must not set the PSH sensor</td> </tr> </tbody> </table>	Safety equipment	Requirements	(1) Pressure safety high and low (PSHL) sensors	You must protect a departing pipeline with PSHL sensors that directly or indirectly shut in all delivering sources.	(2) PSHL sensor settings	(i) You must set the PSHL sensors required by paragraph (a) of this section to activate at pressures that are no more than 15 percent above and below the limits of the normal operating pressure range of the pipeline. (ii) For pipelines that transport a product containing H ₂ S, you must set the pressure safety low (PSL) sensor to activate at a pressure that is no more than 10 percent below the lower limit of the normal operating pressure range of the pipeline. (iii) For a departing pipeline that receives production from a subsea well, you may set the pressure safety high (PSH) sensor to activate at a pressure that is up to 5 percent above the latest recorded wellhead shut-in tubing pressure. (iv) You must not set the PSH sensor			
Safety equipment	Requirements									
(1) Pressure safety high and low (PSHL) sensors	You must protect a departing pipeline with PSHL sensors that directly or indirectly shut in all delivering sources.									
(2) PSHL sensor settings	(i) You must set the PSHL sensors required by paragraph (a) of this section to activate at pressures that are no more than 15 percent above and below the limits of the normal operating pressure range of the pipeline. (ii) For pipelines that transport a product containing H ₂ S, you must set the pressure safety low (PSL) sensor to activate at a pressure that is no more than 10 percent below the lower limit of the normal operating pressure range of the pipeline. (iii) For a departing pipeline that receives production from a subsea well, you may set the pressure safety high (PSH) sensor to activate at a pressure that is up to 5 percent above the latest recorded wellhead shut-in tubing pressure. (iv) You must not set the PSH sensor									

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		to activate at a pressure greater than the MAOP of the pipeline. (v) You must not set the PSH sensor to activate at a pressure within 5 percent of the pressure safety valve (PSV) set point.		(6) Pipelines incoming to a subsea tie-in shall be equipped with a block valve and an FSV. Bidirectional pipelines connected to a subsea tie-in shall be equipped with only a block valve.	
	(3) PSHL sensor settings determination	(i) You must determine the sensor settings required by paragraph (b) of this section by using a pressure recorder to establish the current normal operating pressure range. You must keep the most current pressure recorder charts at the nearest OCS facility, and make them available for inspection by MMS upon request. (ii) For a departing pipeline that receives production from a subsea well, you must use well test records to determine the sensor settings. You must keep the most recent well test records at the nearest OCS facility, and make them available for inspection by MMS upon request.			
	(4) Flow safety valve (FSV) and shutdown valve (SDV)	The Regional Supervisor may require you to equip or otherwise protect a departing pipeline with an FSV and/or an automatic SDV.			
	(5) Subsea tie-in	You must equip the originating end of all departing pipelines that receive production from a connecting pipeline at a subsea tie-in with a block valve and an FSV.			
250.1064	What are the safety equipment requirements for an incoming pipeline?				
	(a) Incoming pipeline means a pipeline that delivers: (1) Production to a production, booster, or compressor platform; (2) Gas-lift gas to a well, manifold platform, or to another pipeline at a subsea tie-in; (3) Supply gas; or (4) Water, fuel, or chemicals.				New section , requirement for incoming pipeline to have safety valves. Boundary between DOI/DOT pipelines will determine if this rule applies.
	(b) You must comply with the safety equipment requirements for an incoming		1004	(b)(1)(i) Incoming pipelines	New section adds language to

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns								
	<p>pipeline in the following table:</p> <table border="1" data-bbox="243 410 1066 1424"> <thead> <tr> <th data-bbox="243 410 443 475">Safety equipment</th> <th data-bbox="443 410 1066 475">Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 475 443 540">(1) FSV</td> <td data-bbox="443 475 1066 540">You must protect an incoming pipeline with an FSV to prevent backflow.</td> </tr> <tr> <td data-bbox="243 540 443 1060">(2) SDV</td> <td data-bbox="443 540 1066 1060">You must equip an incoming pipeline, except a water pipeline, that boards a production platform or manned platform (a platform that has personnel on board 24 hours per day, or on which personnel are quartered overnight) with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section, you must locate it in an unclassified area (classified area is defined in API RP 500 and API RP 505; both documents are incorporated by reference in § 250.198) and no more than 10 feet from the boarding pipeline riser. This requirement applies only to pipelines installed or modified after [INSERT THE EFFECTIVE DATE OF THE RULE]; and (iii) Closes within 45 seconds after it is actuated.</td> </tr> <tr> <td data-bbox="243 1060 443 1424">(3) Gas-lift pipeline</td> <td data-bbox="443 1060 1066 1424">This paragraph applies to an existing incoming gas-lift pipeline installed before [INSERT THE DATE SIX MONTHS AFTER THE EFFECTIVE DATE OF THE RULE] to an unmanned minor platform. (A minor platform is one that contains fewer than six well completions or fewer than two pieces of production equipment). In lieu of complying with paragraphs (b)(1) and (b)(2) of this section, you may protect the pipeline with an FSV located either: (i) Immediately upstream of each casing annulus; or (ii) Immediately upstream of the first inlet valve on the wellhead.</td> </tr> </tbody> </table>	Safety equipment	Requirements	(1) FSV	You must protect an incoming pipeline with an FSV to prevent backflow.	(2) SDV	You must equip an incoming pipeline, except a water pipeline, that boards a production platform or manned platform (a platform that has personnel on board 24 hours per day, or on which personnel are quartered overnight) with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section, you must locate it in an unclassified area (classified area is defined in API RP 500 and API RP 505; both documents are incorporated by reference in § 250.198) and no more than 10 feet from the boarding pipeline riser. This requirement applies only to pipelines installed or modified after [INSERT THE EFFECTIVE DATE OF THE RULE]; and (iii) Closes within 45 seconds after it is actuated.	(3) Gas-lift pipeline	This paragraph applies to an existing incoming gas-lift pipeline installed before [INSERT THE DATE SIX MONTHS AFTER THE EFFECTIVE DATE OF THE RULE] to an unmanned minor platform. (A minor platform is one that contains fewer than six well completions or fewer than two pieces of production equipment). In lieu of complying with paragraphs (b)(1) and (b)(2) of this section, you may protect the pipeline with an FSV located either: (i) Immediately upstream of each casing annulus; or (ii) Immediately upstream of the first inlet valve on the wellhead.		<p>to a platform shall be equipped with a flow safety valve (FSV).</p> <p>(ii) For sulphur operations, incoming pipelines delivering gas to the power plant platform may be equipped with high- and low-pressure sensors (PSHL), which activate audible and visual alarms in lieu of requirements in paragraph (b)(1)(i) of this section. The PSHL shall be set at 15 percent or 5 psi, whichever is greater, above and below the normal operating pressure range.</p> <p>(b)(2) Incoming pipelines boarding a production platform shall be equipped with an automatic shutdown valve (SDV) immediately upon boarding the platform. The SDV shall be connected to the automatic- and remote-emergency shut-in systems.</p> <p>(7) Gas-lift or water-injection pipelines on unmanned platforms need only be equipped with an FSV installed immediately upstream of each casing</p>	<p>include manned platforms and more specific language where the SDV must be located on the platform. The rule also identifies the effective dates for this requirement.</p>
Safety equipment	Requirements											
(1) FSV	You must protect an incoming pipeline with an FSV to prevent backflow.											
(2) SDV	You must equip an incoming pipeline, except a water pipeline, that boards a production platform or manned platform (a platform that has personnel on board 24 hours per day, or on which personnel are quartered overnight) with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section, you must locate it in an unclassified area (classified area is defined in API RP 500 and API RP 505; both documents are incorporated by reference in § 250.198) and no more than 10 feet from the boarding pipeline riser. This requirement applies only to pipelines installed or modified after [INSERT THE EFFECTIVE DATE OF THE RULE]; and (iii) Closes within 45 seconds after it is actuated.											
(3) Gas-lift pipeline	This paragraph applies to an existing incoming gas-lift pipeline installed before [INSERT THE DATE SIX MONTHS AFTER THE EFFECTIVE DATE OF THE RULE] to an unmanned minor platform. (A minor platform is one that contains fewer than six well completions or fewer than two pieces of production equipment). In lieu of complying with paragraphs (b)(1) and (b)(2) of this section, you may protect the pipeline with an FSV located either: (i) Immediately upstream of each casing annulus; or (ii) Immediately upstream of the first inlet valve on the wellhead.											

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	(4) Subsea tie-in	You must equip the terminating end of an incoming pipeline that delivers production to a connecting pipeline at a subsea tie-in with a block valve and an FSV.		annulus or the first inlet valve on the christmas tree. (6) Pipelines incoming to a subsea tie-in shall be equipped with a block valve and an FSV. Bidirectional pipelines connected to a subsea tie-in shall be equipped with only a block valve.	
250.1065	What are the safety equipment requirements for a crossing pipeline?				New section , requirement for pipeline crosses a platform. Boundary between DOI/DOT pipelines will determine if this rule applies.
	(a) A crossing pipeline means a pipeline that crosses a platform but does not receive or deliver production to that platform. A crossing pipeline includes both the incoming and departing pipeline segments.				
	(b) You must comply with the safety requirements for a crossing pipeline in the following table:		1004	(4) Crossing pipelines on production or manned nonproduction platforms which do not receive production from the platform shall be equipped with an SDV immediately upon boarding the platform. The SDV shall be operated by a PSHL on the departing pipelines and connected to the platform automatic- and remote-emergency shut-in systems. (7) Gas-lift or water-injection pipelines on unmanned	New rule identifies effective date of this requirement.
	Safety equipment	Requirements			
	(1) FSV	You must protect a crossing pipeline installed after [INSERT THE EFFECTIVE DATE OF THE RULE] that crosses an unmanned or non-production platform with an FSV to prevent backflow.			
	(2) SDV	You must equip the terminating end of the incoming segment(s) of a crossing pipeline (except a water pipeline) that crosses a production platform or manned platform (a platform that has personnel on board 24 hours per day, or on which personnel are quartered overnight) with an automatic SDV that: (i) Is operated by a PSHL sensor to protect the departing segment(s) of the crossing pipeline; (ii) Is actuated by the platform's automatic- and remote-			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns						
		<p>emergency shut-in systems; (iii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section, you must locate it in an unclassified area (a classified area is defined in API RP 500 and API RP 505; both documents are incorporated by reference in § 250.198) and no more than 10 feet from the boarding pipeline riser. This requirement applies only to pipelines installed or modified after [INSERT THE EFFECTIVE DATE OF THE RULE]; and (iv) Closes within 45 seconds after it is actuated.</p>		<p>platforms need only be equipped with an FSV installed immediately upstream of each casing annulus or the first inlet valve on the christmas tree.</p>							
250.1066	<p>What are the safety equipment requirements for a bi-directional pipeline?</p>										
	<p>(a) Bidirectional pipeline means a pipeline designed and configured to transport fluids in either direction.</p>				<p>New section requires installing certain safety equipments for bi-directional pipelines. Boundary between DOI/DOT pipelines will determine if this rule applies. Part (a) applies to liquid pipeline.</p>						
	<p>(b) You must comply with the safety equipment requirements for a bi-directional pipeline in the following table:</p> <table border="1" data-bbox="243 1029 1068 1399"> <thead> <tr> <th data-bbox="243 1029 443 1094">Safety equipment</th> <th data-bbox="443 1029 1068 1094">Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1094 443 1247">(1) PSHL sensors</td> <td data-bbox="443 1094 1068 1247">You must protect both ends of a bi-directional pipeline with PSHL sensors that directly or indirectly shut in all delivering sources. Requirements for the setting levels of the PSHL sensors are specified at § 250.1063(b)(2) and (3).</td> </tr> <tr> <td data-bbox="243 1247 443 1399">(2) Automatic SDV</td> <td data-bbox="443 1247 1068 1399">You must equip both ends of a bi-directional pipeline with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section,</td> </tr> </tbody> </table>		Safety equipment	Requirements	(1) PSHL sensors	You must protect both ends of a bi-directional pipeline with PSHL sensors that directly or indirectly shut in all delivering sources. Requirements for the setting levels of the PSHL sensors are specified at § 250.1063(b)(2) and (3).	(2) Automatic SDV	You must equip both ends of a bi-directional pipeline with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section,	1004	<p>(8) Bidirectional pipelines shall be equipped with a PSHL and an SDV immediately upon boarding each platform.</p> <p>(6) Pipelines incoming to a subsea tie-in shall be equipped with a block valve and an FSV. Bidirectional pipelines connected to a subsea tie-in shall be equipped with only a block valve.</p>	<p>New rule inserts language in (1) and (2) to say “both ends” of a bi-directional pipeline. New language in (2) also defines where the SDV must be located and the effective date of this new requirement.</p>
Safety equipment	Requirements										
(1) PSHL sensors	You must protect both ends of a bi-directional pipeline with PSHL sensors that directly or indirectly shut in all delivering sources. Requirements for the setting levels of the PSHL sensors are specified at § 250.1063(b)(2) and (3).										
(2) Automatic SDV	You must equip both ends of a bi-directional pipeline with an automatic SDV that: (i) Is actuated by the platform's automatic- and remote-emergency shut-in systems; (ii) Is located immediately upon boarding the platform. If the SDV is on a horizontal section,										

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		<p>you must locate it in an unclassified area (a classified area is defined in API RP 500 and API RP 505, both documents incorporated by reference as specified in § 250.198) and no more than 10 feet from the boarding pipeline riser. This requirement applies only to pipelines installed or modified after [INSERT THE EFFECTIVE DATE OF THE RULE]; and (iii) Closes within 45 seconds after it is actuated.</p>			
	(3) Block valve	<p>You must equip a bi-directional pipeline that connects to a pipeline at a subsea tie-in with a block valve at the tie-in assembly.</p>			
250.1067	When must I provide redundant safety equipment?				
	<p>(a) If the maximum source pressure (MSP) is from a well, and it exceeds the MAOP of the pipeline, you must protect the pipeline by using either: (1) One surface safety valve (SSV) controlled by a PSH sensor, and a PSV that relieves in a safe and pollution-free manner; or (2) Two SSV's controlled by independent PSH sensors connected to separate relays and sensing points.</p>		1002	<p>(d) If the maximum source pressure (MSP) exceeds the pipeline's MAOP, you must install and maintain redundant safety devices meeting the requirements of section A9 of API RP 14C (incorporated by reference as specified in §250.198). Pressure safety valves (PSV) may be used only after a determination by the Regional Supervisor that the pressure will be relieved in a safe and pollution-free manner. The setting level at which the primary and redundant safety equipment actuates shall not exceed the pipeline's MAOP.</p>	<p>New section requires installing safety equipment on where the maximum source of pressure coming from. The language “from a well” implies this section applies to DOI pipelines and should not apply to DOT transmission pipelines.</p>
	(b) For pipelines installed after [INSERT THE EFFECTIVE DATE OF THE				New section.

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	RULE], if the MSP is from a well, and it is more than 1 ^{1/2} times the MAOP of the pipeline, you must protect the pipeline by using two SSV's controlled by independent PSH sensors connected to separate relays and sensing points, and one PSV that relieves in a safe and pollution-free manner.			
	(c) If the maximum source pressure (MSP) is not from a well, and it exceeds the MAOP of the pipeline, you must protect the pipeline by using either: (1) One shutdown valve (SDV) controlled by a PSH sensor, and a PSV that relieves in a safe and pollution-free manner; or (2) Two SDV's controlled by independent PSH sensors connected to separate relays and sensing points.			New section. Note reference to MAOP and see earlier comments regarding MAOP.
	(d) If you use the configuration specified in paragraph (c)(1) above, you must set the PSV to activate at a pressure between 5 and 10 percent above the MAOP.			
250.1068	What are the safety equipment requirements for a pipeline pump?			
	<p>(a) <i>General</i>. You must do both of the following: (1) Protect a pipeline pump according to section A7 of API RP 14C (incorporated by reference as specified in § 250.198). Requirements for setting the levels of the PSHL sensors are specified at § 250.1063(b)(2) and (3). (2) Set any PSV you installed on the pipeline to protect the pump to activate at a pressure less than the MAOP of the pipeline.</p>	1004	(9) Pipeline pumps must comply with section A7 of API RP 14C (incorporated by reference as specified in §250.198). The setting levels for the PSHL devices are specified in paragraph (b)(3) of this section.	New section , this requirement is for liquid pipeline and the term pump is vague. The term “pump” should be better defined.
	<p>(b) <i>Time delays for pumps</i>. During startup and idle operations, you may apply industry standard Class B, Class C, and Class B/C logic to all PSL sensors installed on pipeline pumps. You do not need a departure approval to use these types of time delay circuitry if the time delay does not exceed 45 seconds. You must obtain a departure approval under the provisions of § 250.142 from the appropriate District Manager before you use a time delay greater than 45 seconds. (1) <i>Class B logic</i> allows for a PSL sensor on pipeline pumps to be bypassed for a fixed time period (typically less than 15 seconds, but not more than 45 seconds). (2) <i>Class C logic</i> allows for a PSL sensor to be bypassed until the component comes into full service.</p>			

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	<p>(3) <i>Class B/C logic</i> allows for a PSL sensor to incorporate a combination of Class B and Class C circuitry. This device is used to ensure that a PSL sensor is not unnecessarily bypassed during start-up and idle operations (e.g., Class B/C bypass circuitry activates when a pump is shut down during normal operations). The PSL sensor remains bypassed until the pump start circuitry is activated and either:</p> <p>(i) The Class B timer expires after 45 seconds from start activation; or</p> <p>(ii) The Class C bypass is initiated until the pump builds up pressure above the PSL set point and the PSL comes into full service.</p>			
	<p>(c) <i>PSL Sensors and bypass circuits.</i> When the PSL sensor comes into full service, the PSL sensor is fully active. If the PSL sensor should trip while the pump is running, the pump will shut down and the Class B/C bypass circuit will remain inactive until the safety system devices are cleared and reset.</p>			
250.1069	What must I do if safety equipment fails to operate as intended?			
	<p>If any safety equipment required by this subpart experiences a failure you must follow the requirements of paragraphs (a) through (e) of this section.</p>			<p>New section, 250.1069(b), (c)(3)(ii), and (d) requires notify MMS if safety equipment remains out of service for more than 12 hours in GOMR, and immediately in the Pacific or Alaska OSC Regions; the rule also requires to notify MMS when repaired or replaced and resume operations. Post warning sign (current requirement).</p>
	<p>(a) <i>Suspending operations.</i> You must shut in the pipeline immediately.</p>	1004	<p>(c) If the required safety equipment is rendered ineffective or removed from service on pipelines which are continued in operation, an equivalent degree of safety shall be provided. The safety equipment shall be identified by the placement of a sign on</p>	<p>If section applies to transportation pipelines it will have a major impact. It requires notifying the Regional Supervisor if the repair will result in the pipeline being out of service for more than 2 hours. The operator must also submit a detailed repair application and receive approval from the</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			the equipment stating that the equipment is rendered ineffective or removed from service.	Supervisor before any repair can begin.
	(b) Out-of-service notification. You must notify the Regional Supervisor: (1) If the safety equipment remains out of service for more than 12 hours in the GOMR; and (2) Immediately after the safety equipment is out of service in the POCSR and AKOCSR.			New section on notifications.
	(c) Resuming operations. You may resume operation of the pipeline after you: (1) Repair the failed safety equipment (see § 250.1094 through 1096); (2) Replace the failed safety equipment (see § 250.1093); or (3) Provide an equivalent degree of protection and place an appropriate warning sign on the failed safety equipment.			New section, parts (1) and (2), on resuming operations.
	(d) Corrective action notification. If you shut in your pipeline because of a safety equipment failure and were required by paragraph (b) of this section to notify the Regional Supervisor, you must also notify the Regional Supervisor immediately when you repair the safety equipment and resume operating the pipeline, or when you have provided an equivalent degree of protection and resume operating the pipeline.			New section on corrective action notification.
	(e) Repair application. If the corrective action you take to address a safety equipment failure necessitates a repair (see § 250.1094), you must submit a repair application in accordance with § 250.1095(a) and receive approval from the Regional Supervisor before you perform the work.			New section on repair application. See comments in section (a) above. It is not practicable to receive approval from the RS “before” you begin work. This will solve repairs down and potentially impact supply deliverability and reliability. MMS could easily pre-approve a list of standard repairs and anytime an operator uses one of those repairs prior approval wouldn’t be required. MMS would only need to be notified after the

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				repair is done and which approved repair was used.
Pipeline Leak Detection				
250.1071	When do I need to use a leak detection system?			
	If your pipeline transports liquid hydrocarbons to shore, or if the Regional Supervisor otherwise requires it, you must use a computational pipeline monitoring (CPM) system or equivalent methodology to detect leaks by continuously determining or calculating the imbalance between the incoming (receipt) and outgoing (delivery) volumes of a pipeline. A CPM system means an algorithmic monitoring tool that allows you to respond to a pipeline operating anomaly that may indicate a release of liquid hydrocarbons. You must:	1004	(5) The Regional Supervisor may require that oil pipelines be equipped with a metering system to provide a continuous volumetric comparison between the input to the line at the structure(s) and the deliveries onshore. The system shall include an alarm system and shall be of adequate sensitivity to detect variations between input and discharge volumes. In lieu of the foregoing, a system capable of detecting leaks in the pipeline may be substituted with the approval of the Regional Supervisor.	New section , that should be required for DOI liquid pipelines only. If required for transportation pipelines, this will have a major impact on the industry for any company that has a two phase system (wet) or where hydrocarbons may fall out of a dry system due to changing operating conditions, Installing the required alarms and monitoring systems would be cost prohibitive.
	(a) Equip your CPM system with an alarm that signals when the imbalance exceeds a predetermined threshold for a selected time interval; and			This requirements isn't practicable and is cost prohibitive.
	(b) Use SCADA technology to gather, process, and display the data you use in your CPM system. SCADA is an acronym for supervisory control and data acquisition, the technology that makes it possible to monitor and control pipelines remotely.			This requirements isn't practicable and is cost prohibitive
Pipeline Internal Corrosion Control and Flow Assurance				
250.1074	What are the general requirements for internal corrosion control?			
	You must establish and implement internal corrosion control measures (e.g., running pipeline scrapers; dehydrating; using corrosion inhibitors,			New section , requires to have a internal corrosion control program.

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	bactericides, or oxygen scavengers) to protect the pipeline over its service life.			It does not differentiate whether or not a corrosive environment is present. A corrosion control program is only needed if such an environment is present and transportation companies have developed cost-effective detection and mitigation programs as part of the their maintenance activities when such an environment is present.
250.1075	What are the general requirements for flow assurance?			New section , general requirement for flow assurance
	You must establish and implement measures (e.g., chemical additives, routine pigging) to ensure that adequate flow can be sustained throughout the service life of a pipeline under all expected flow conditions for the range of pressures, temperatures, fluid properties, and phase conditions expected during start up, normal, shut down, and emergency operations.			
Pipeline Operations and Maintenance				This section is significantly expanded beyond the current rule.
250.1078	What are the general requirements for operating and maintaining a pipeline?			
	You must operate and maintain a pipeline in a manner that:			New section , general requirement for operating and maintenance of a pipeline. (c) Applies for liquid pipeline. There is no distinction between DOT and DOI pipelines in this section. This section should apply to DOI pipelines only.
	(a) Protects life, property, and the environment for the service life of the pipeline;			
	(b) Ensures that all pipelines, appurtenances, and safety equipment are not subjected to operating conditions that exceed applicable design parameters and the MAOP;			
	(c) Anticipates the detrimental effects of corrosion; product composition;			

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	thermal cycling; pressure fluctuations; hydrate, asphaltene, or paraffin formation; sediment transfer or scour (due to wave action and currents); storm or ice scouring; gross seafloor movement (such as mudslides, faults, and subsidence); hurricanes; earthquakes; subfreezing temperatures; and other natural or manmade phenomena;			
	(d) Maintains the approved burial depth throughout the life of the pipeline including after the pipeline is decommissioned in place; and			New section that has a major impact on the transportation industry. It would even require reburial of a pipeline that is partially buried but not buried at the approved burial depth. This is not a requirement or practice today and would have significant cost impacts on the industry.
	(e) Does not interfere with other uses of the OCS.			
250.1079	What written procedures must I establish before I operate an OCS pipeline?			
	(a) Operations and maintenance manual. You must prepare a written operations and maintenance manual for your OCS pipelines that complies with the regulations in this subpart and includes provisions for all of the following: (1) Conducting normal operations; (2) Conducting periodic surveillance and inspections; (3) Performing systematic and routine preventive maintenance; (4) Ensuring that safety system components are functioning properly; (5) Resuming operations after a storm; (6) Monitoring and mitigating the effects of internal and external corrosion and erosion; (7) Monitoring and mitigating the effects of paraffin, wax, and hydrate formation; (8) Responding to foreseeable abnormal operating conditions, malfunctions, failures, or personnel error; and (9) Identifying and responding to conditions that could affect safe operations.			New section, 250.1079(a) & (g) requires to prepare written Operations and Maintenance Manual, make copy available to MMS at nearest OCS facility upon request. This section is like 192.605. 250.1079(b) & (g) requires preparing written Integrity Management Program. Make copy available to MMS at nearest OCS facility upon request. 250.1079(c) & (g) requires preparing written Emergency Plan, making copy available to MMS at nearest OCS facility upon request. 250.1079(d) & (g) requires preparing written Personnel Qualification Program,

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
				making copy available to MMS at the nearest OCS facility upon request. 2590.1079(f) requires to review and amend as necessary-O &M Manual; IMP, Emergency Plan, and Personnel Qualification Program.
	<p>(b) Integrity management program. You must have a written pipeline integrity management program for your OCS pipelines that includes the seven elements listed in this paragraph.</p> <p>(1) <i>Baseline integrity assessment.</i> A plan and a risk-based schedule for obtaining baseline information on the integrity of each pipeline by either:</p> <p>(i) Using an in-line inspection tool (e.g., smart pig) to detect corrosion or deformation anomalies;</p> <p>(ii) Performing hydrostatic pressure tests (see § 250.1058) to test tensile strength; or</p> <p>(iii) Using other technology that can provide an equivalent understanding of the condition of your pipelines.</p> <p>(2) <i>Information analysis.</i> An analysis that integrates all other available information (e.g., inspections, tests, surveys, and monitoring results) about pipeline integrity.</p> <p>(3) <i>Review.</i> Provisions to review the integrity assessment results and information analysis by a qualified person.</p> <p>(4) <i>Remedial actions.</i> Criteria for performing prompt remedial actions to address anomalous conditions you discover through integrity assessment or information analysis.</p> <p>(5) <i>Periodic assessment and evaluation.</i> Provisions for periodically reassessing and re-evaluating the integrity of the pipeline at a frequency based on specific risk factors such as proximity to environmentally sensitive areas, product being transported, previous failure history, and water depth.</p> <p>(6) <i>Preventive and mitigation measures.</i> Provisions for identifying and taking preventive and mitigation measures to enhance safety and environmental protection such as SCADA systems, cathodic protection monitoring, and shorter inspection intervals.</p>			New section requiring a IMP similar to what DOT has required. It would seem to require it for all offshore pipelines regardless of whether or not they fall into a HCA, which isn't a factor in the new rule. This requirement makes no sense and would have a major impact on the transportation industry. It's unclear what MMS is hoping to protect with a vague but comprehensive IMP program in the OCS. MMS should not implement another IMP apart from the current DOT IMP program for gas transmission pipelines.

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	(7) <i>Program effectiveness</i> . Provisions for measuring the effectiveness of your integrity management program.			
	(c) Emergency plan . You must prepare a written emergency plan that you will immediately implement in the event of a pipeline failure, accident, or other emergency that includes provisions for: (1) Training personnel responsible for executing emergency actions; (2) Establishing an effective communication system; (3) Conducting periodic drills; (4) Ensuring personnel safety; (5) Evacuating platforms; (6) Limiting property damage; (7) Minimizing pollution and protecting the environment; (8) Conducting remote operations, if applicable; (9) Making construction information and operating history available to appropriate personnel; (10) Notifying appropriate government agencies; (11) Investigating failures; and (12) Reviewing performance during drills and actual emergencies.			This is a new section that would require transportation companies to modify or tweak their current emergency operating plans. These plans are required by DOT and have been well tested over the years. MMS should not require a separate plan for DOT regulated pipelines.
	(d) Personnel qualification program . You must have a written qualification program for individuals who perform pipeline operation, maintenance, and repair duties for you that may affect the safe operation or integrity of a pipeline. This program must include provisions for: (1) Identifying covered tasks; (2) Ensuring through periodic evaluation that the individuals who perform covered tasks are qualified; (3) Evaluating an individual if you have reason to believe that the individual's performance of a covered task contributed to an incident; (4) Evaluating an individual if you have reason to believe that the individual is no longer qualified to perform a covered task; (5) Communicating changes that affect covered tasks to individuals performing those tasks; and (6) Complying with 30 CFR 250, Subpart O-Well Control and Production Safety Training, as applicable.			New section that appears to mimic the DOT OQ rule. These plans are required by DOT. MMS should not require a separate plan for DOT regulated pipelines.
	(e) Implementation procedures . You must establish procedures to make sure			New section on implementation

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	that your personnel implement and follow the provisions of your operations and maintenance manual, integrity management program, emergency plan, and personnel qualification program.			procedures.								
	(f) Annual review. You must review your operations and maintenance manual, integrity management program, emergency plan, and personnel qualification program at least annually and make any necessary changes to ensure that they remain effective.			New section requiring the plans in this section to be reviewed annually.								
	(g) Inspection. You must make copies of your operations and maintenance manual, integrity management program, emergency plan, and personnel qualification program available to MMS personnel at the nearest OCS facility upon request.			New section requiring these plans to be held at the nearest OCS facility and made available to MMS personnel for inspection.								
250.1080	When must I mark the MMS-assigned pipeline segment number on a pipeline?											
	<p>You must comply with the marking requirements indicated in the following table:</p> <table border="1" data-bbox="243 841 1066 1398"> <thead> <tr> <th data-bbox="243 841 436 906">Type of pipeline</th> <th data-bbox="436 841 1066 906">When you must mark the pipeline segment number</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 906 436 1060">(a) New pipeline</td> <td data-bbox="436 906 1066 1060">Before you operate a pipeline you construct after [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform.</td> </tr> <tr> <td data-bbox="243 1060 436 1279">(b) Existing pipeline</td> <td data-bbox="436 1060 1066 1279">If you constructed a pipeline before [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform no later than [INSERT THE DATE 6 MONTHS AFTER THE EFFECTIVE DATE OF THE REGULATION].</td> </tr> <tr> <td data-bbox="243 1279 436 1398">(c) Exception</td> <td data-bbox="436 1279 1066 1398">You are not required to separately mark the MMS-assigned pipeline segment number on a pipeline to comply with paragraphs (a) or (b) of this section if you durably mark the component identification (see</td> </tr> </tbody> </table>	Type of pipeline	When you must mark the pipeline segment number	(a) New pipeline	Before you operate a pipeline you construct after [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform.	(b) Existing pipeline	If you constructed a pipeline before [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform no later than [INSERT THE DATE 6 MONTHS AFTER THE EFFECTIVE DATE OF THE REGULATION].	(c) Exception	You are not required to separately mark the MMS-assigned pipeline segment number on a pipeline to comply with paragraphs (a) or (b) of this section if you durably mark the component identification (see			New section, 250.1080(a) requires durably mark MMS-assigned P/L segment number on new P/L at each platform/ 250.1080(b) requires durably mark MMS-assigned P/L segment number on existing P/Ls at each platform. This is part of the construction process. This is for DOI pipeline.
Type of pipeline	When you must mark the pipeline segment number											
(a) New pipeline	Before you operate a pipeline you construct after [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform.											
(b) Existing pipeline	If you constructed a pipeline before [INSERT THE EFFECTIVE DATE OF THE REGULATION], you must durably mark the MMS-assigned pipeline segment number on the pipeline at each platform no later than [INSERT THE DATE 6 MONTHS AFTER THE EFFECTIVE DATE OF THE REGULATION].											
(c) Exception	You are not required to separately mark the MMS-assigned pipeline segment number on a pipeline to comply with paragraphs (a) or (b) of this section if you durably mark the component identification (see											

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns		
	<table border="1" data-bbox="243 383 1066 537"> <tr> <td data-bbox="243 383 436 537"></td> <td data-bbox="436 383 1066 537">API RP14C, section 2.4 (incorporated by reference as specified in § 250.198)) on the pipeline using the MMS-assigned pipeline segment number as the unique identifier (e.g., KAH-1425, where 1425 is the MMS-assigned pipeline segment number).</td> </tr> </table>		API RP14C, section 2.4 (incorporated by reference as specified in § 250.198)) on the pipeline using the MMS-assigned pipeline segment number as the unique identifier (e.g., KAH-1425, where 1425 is the MMS-assigned pipeline segment number).			
	API RP14C, section 2.4 (incorporated by reference as specified in § 250.198)) on the pipeline using the MMS-assigned pipeline segment number as the unique identifier (e.g., KAH-1425, where 1425 is the MMS-assigned pipeline segment number).					
250.1081	How do I determine the MAOP of a pipeline?					
	<p>The MAOP of a pipeline must not exceed the lowest of the following:</p>	1002	<p>(c) The maximum allowable operating pressure (MAOP) shall not exceed the least of the following:</p> <ul style="list-style-type: none"> (1) Internal design pressure of the pipeline, valves, flanges, and fittings; (2) Eighty percent of the hydrostatic pressure test (HPT) pressure of the pipeline; or (3) If applicable, the MAOP of the receiving pipeline when the proposed pipeline and the receiving pipeline are connected at a subsea tie-in. 	New section , design of MAOP. Boundary between DOI/DOT pipelines will determine if this rule applies. See earlier comments regarding MAOP.		
	(a) The internal design pressure of the horizontal component and risers;					
	(b) The pressure ratings of appurtenances					
	(c) Eighty percent of the hydrostatic test pressure of the pipeline; or					
	(d) If applicable, the MAOP of a connecting pipeline.					
250.1082	What must I do if the pipeline transports H₂S?					
	<i>(a) Contingency Plan for operations.</i> Before you operate a pipeline which transports a product with an H ₂ S concentration that, if released, could result in atmospheric concentrations of 20 ppm or more, you must prepare an H ₂ G ₁ S			New section , general requirement for transporting H ₂ S		

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	Contingency Plan in accordance with § 250.490(f) that covers your pipeline operations. You do not need to prepare an H ₂ G ₁ S Contingency Plan if the pipeline is covered under an appropriate facility plan.			
	(b) <i>H₂S dispersion modeling report</i> . Before you operate a pipeline which transports a product with an H ₂ G ₁ S concentration greater than 500 ppm, you must model a potential worst-case accidental H ₂ G ₁ S release from the pipeline and prepare a report. The modeling report must include: (1) The data you used in the model (e.g., meteorological data) in an electronic format acceptable to the Regional Supervisor; (2) A site-specific analysis of your pipeline operation that considers any nearby human-occupied OCS platforms, shipping lanes, fishery areas, and other points where humans may be subject to potential exposure from an accidental H ₂ S release; and (3) If the accidental release could result in an H ₂ G ₁ S concentration of 10 ppm or greater at an onshore area, an analysis consistent with the risk management plan (RMP) methodologies of the EPA as outlined in 40 CFR part 68.			
	(c) <i>Batch treatment</i> . The Regional Supervisor may require that you batch treat your pipeline if there are indications that H ₂ S could be detrimentally affecting the pipeline.			
250.1083	What are the requirements for conducting remote operations during a platform evacuation?			
	(a) <i>Pipeline shut-in</i> . When you evacuate your personnel from an OCS platform due to an impending storm or other emergency, you must shut in any connecting pipeline unless you have remote operations capability.			New section, 250.1083(b)(1) requires approval to conduct remote operations on P/L during storm evacuation. Note the new rule would require shutting-in the pipeline which isn't a current transportation industry practice and could have detrimental impact on offshore natural gas supply and deliverability.
	(b) <i>Remote operations</i> . You may conduct remote operations on the pipeline during an evacuation only if: (1) The Regional Supervisor grants you prior approval;			New section on remote operations. It's unclear if a company has to get Regional Supervisor approval once

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	(2) Your pipeline has remote monitoring and remote shut-in capabilities; (3) You immediately shut in any pipeline that transports liquid hydrocarbons or H ₂ S, or any pipeline that transports natural gas (if the pipeline experiences an upset condition) when the sustained wind speeds of any storm reach 74 mph over any part of the pipeline; and (4) You design time-delay circuitry (local storm timers) to shut in a pipeline no more than 4 hours after the capability to monitor and control a process is lost, and include this circuitry in the SCADA logic.			or each time they evacuate a facility.															
	(c) Resuming operations. You may not remotely resume operation of a shut-in pipeline if any part of the pipeline was within 25 miles (or other distance specified by the Regional Supervisor) of the eye center path of a major storm (74 mph or greater).			New section on remotely resuming operations.															
250.1084	What are the requirements for testing pipeline safety equipment?																		
	(a) You must periodically test your pipeline safety equipment to ensure that it is in good mechanical condition, properly installed, and able to perform safety functions in accordance with the requirements in the following table. You must conduct all tests using the test procedure specified in the appropriate subsection of API RP 14C, appendix D, section D4, table D2 (incorporated by reference as specified in § 250.198). <table border="1" data-bbox="243 964 1066 1425"> <thead> <tr> <th data-bbox="243 964 401 1029">Safety equipment</th> <th data-bbox="401 964 541 1029">Frequency</th> <th data-bbox="541 964 688 1029">Subsection</th> <th data-bbox="688 964 919 1029">If</th> <th data-bbox="919 964 1066 1029">Then you must</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1029 401 1338">(1) <i>FSV</i>. You must test each required FSV, except those installed underwater, for leakage</td> <td data-bbox="401 1029 541 1338">At least annually, with no more than 13 months between tests</td> <td data-bbox="541 1029 688 1338">d</td> <td data-bbox="688 1029 919 1338">The FSV does not operate properly, or if the flow rate exceeds 200 cubic centimeters/minute for liquid flow or 5 cubic feet/minute for natural gas flow</td> <td data-bbox="919 1029 1066 1338">Repair or replace the FSV.</td> </tr> <tr> <td data-bbox="243 1338 401 1425">(2) <i>PSHL sensors</i>. You must</td> <td data-bbox="401 1338 541 1425">At least monthly, with no</td> <td data-bbox="541 1338 688 1425">g</td> <td data-bbox="688 1338 919 1425">(i) The PSHL sensor does not operate properly</td> <td data-bbox="919 1338 1066 1425">Repair or replace the PSHL</td> </tr> </tbody> </table>	Safety equipment	Frequency	Subsection	If	Then you must	(1) <i>FSV</i> . You must test each required FSV, except those installed underwater, for leakage	At least annually, with no more than 13 months between tests	d	The FSV does not operate properly, or if the flow rate exceeds 200 cubic centimeters/minute for liquid flow or 5 cubic feet/minute for natural gas flow	Repair or replace the FSV.	(2) <i>PSHL sensors</i> . You must	At least monthly, with no	g	(i) The PSHL sensor does not operate properly	Repair or replace the PSHL			New section , 250.1084(f) requires test pipeline safety equipment, record results. Maintain records for two years. Make available to MMS upon request. The new requirement would call for FSV devices to be tested annually. This isn't done today and the valves are not currently configured to be tested. Most transporters have very limited safety equipment offshore beyond FSV and PSVs. Some of the reporting requirements are inconsistent with DOT (e.g. 13 months for MMS vs. 15 for DOT).
Safety equipment	Frequency	Subsection	If	Then you must															
(1) <i>FSV</i> . You must test each required FSV, except those installed underwater, for leakage	At least annually, with no more than 13 months between tests	d	The FSV does not operate properly, or if the flow rate exceeds 200 cubic centimeters/minute for liquid flow or 5 cubic feet/minute for natural gas flow	Repair or replace the FSV.															
(2) <i>PSHL sensors</i> . You must	At least monthly, with no	g	(i) The PSHL sensor does not operate properly	Repair or replace the PSHL															

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	conduct an external pressure test of each required PSHL sensor	more than 6 weeks between tests		(ii) The PSHL sensor set pressure tolerance is plus or minus 5 percent or five psi, whichever is greater	sensor. Adjust the set point(s) of the PSHL sensor.			
	(3) <i>PSV</i> . You must conduct an external pressure test of each required PSV	At least annually, with no more than 13 months between tests	i	(i) The PSV does not operate properly (ii) The PSV set pressure tolerance is plus or minus two psi for pressures up to and including 70 psi, or plus or minus 3 percent for pressures above 70 psi	Repair or replace the <i>PSV</i> . Adjust the set point of the <i>PSV</i> .			
	(4) <i>SDV</i> . For each required <i>SDV</i> , you must conduct a(an):							
	(i) Operations test	At least monthly, with no more than 6 weeks between	k (option 1)	The <i>SDV</i> does not operate properly	Repair or replace the <i>SDV</i> .			

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	(ii) Full valve closure test	tests At least annually, with no more than 13 months between tests	k (option 2)	The SDV does not operate properly, or if the flow rate exceeds 200 cubic centimeters/minute for liquid flow or 5 cubic feet/minute for natural gas flow	Repair or replace the SDV.			
	(iii) Pressure holding test	If required by the Regional Supervisor	Not addressed	To be determined by the Regional Supervisor	To be determined by the Regional Supervisor.			
	(5) SSV. You must conduct a pressure holding test of each required SSV	At least monthly, with no more than 6 weeks between tests	m	The SSV does not operate properly, or if any fluid flow is observed during the test	Repair or replace the SSV.			
	(b) Recordkeeping. You must retain the records of the results of the tests required by paragraph (a) of this section at the nearest OCS facility for at least 2 years, and make them available to MMS upon request.							
250.1085	What must I do when safety equipment is removed from service?							
	(a) Removal from service notification. You must notify the Regional Supervisor: (1) If the safety equipment remains removed from service for more than 12					1008	(d) The lessee or right-of-way holder shall report to the Regional Supervisor when	New section requires operator to notify the regional supervisor when safety equipment is removed or

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	hours in the GOMR; or (2) Immediately after the safety equipment is removed from service in the POCSR and AKOCSR.		any required pipeline safety equipment is taken out of service for more than 12 hours. The Regional Supervisor shall be notified when the equipment is returned to service.	service, not clear if the safety equipments are referring to those in 250.1084 or others.
	(b) Equivalent degree of protection. You may continue to operate the pipeline only if you: (1) Provide an equivalent degree of protection; and (2) Place an appropriate warning sign on the equipment removed from service.	1004	(c) If the required safety equipment is rendered ineffective or removed from service on pipelines which are continued in operation, an equivalent degree of safety shall be provided. The safety equipment shall be identified by the placement of a sign on the equipment stating that the equipment is rendered ineffective or removed from service.	
	(c) Follow-up notification. If you are required by paragraph (a) of this section to notify the Regional Supervisor immediately that safety equipment is out of service, you must also notify the Regional Supervisor immediately in the POCSR and AKOCSR, and within 12 hours in the GOMR, when you return the safety equipment to service, or when you provide an equivalent degree of protection.			
250.1086	What must I do when a pipeline is taken out of service?			
	(a) Definition. Out-of-service pipeline means a pipeline that has not been used to transport oil, natural gas, sulphur, or produced water for more than 30 consecutive days. The out-of-service period begins on the 31st day of inactivity.	1001	<i>Out-of-service pipelines</i> are those pipelines that have not been used to transport oil, natural gas, sulfur, or produced water for more than 30 consecutive days.	New section , 250.1086(f) requires operator to test pipeline safety equipment; record results. Maintain records for two years and make available to MMS upon request. 250.1086(d) requires

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		LTL 1991	<p>All lease term pipelines that are placed out of service are under the jurisdiction of the Department of Interior (DOI) and the requirements of 250.156(b) shall be applicable.</p> <p>A DOI pipeline that has not been used for more than 30 consecutive days shall be considered to be out of service. The 1-year and 5-year time periods referred to in 250.156(b)(2) and (3), respectively, shall begin on the date that the pipeline was taken out of service.</p>	<p>submitting P/L out-of-service report to MMS. 250.1086(e) requires flush and fill out-of-service P/L. Record results and retain records at nearest OCS facility. Make available to MMS upon request. 250.1086(g) requires submitting P/L out-of-service reactivation report within 30 days to MMS, including pressure test results, etc. 250.1086(f) requires operator to test pipeline safety equipment record results. Maintain records for two years. Make available to MMS upon request. The out of service definition is problematic. After 30 days of being out of service the operator must immediately install a blind flange or block valve at each end of the pipe. This creates a problem since it's not unusual to have natural gas lines that aren't flowing or have been temporarily abandoned.</p>				
	(b) Isolation. You must immediately equip an out-of-service pipeline with either a blind flange or a block valve locked in the closed position at each end.	1006	<p>(b) The table in this section lists the requirements if you take a DOI pipeline out of service:</p> <table border="1" data-bbox="1249 1268 1562 1421"> <thead> <tr> <th data-bbox="1249 1268 1373 1421">If you have the pipeline out of service</th> <th data-bbox="1373 1268 1562 1421">Then you must:</th> </tr> </thead> <tbody> <tr> <td data-bbox="1249 1421 1373 1421"></td> <td data-bbox="1373 1421 1562 1421"></td> </tr> </tbody> </table>	If you have the pipeline out of service	Then you must:			
If you have the pipeline out of service	Then you must:							

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns								
			<table border="1"> <tr> <td data-bbox="1251 383 1371 412">for:</td> <td data-bbox="1371 383 1562 412"></td> </tr> <tr> <td data-bbox="1251 412 1371 630">(1) 1 year or less</td> <td data-bbox="1371 412 1562 630">Isolate the pipeline with a blind flange or a closed block valve at each end of the pipeline.</td> </tr> <tr> <td data-bbox="1251 630 1371 784">(2) More than 1 year but less than 5 years</td> <td data-bbox="1371 630 1562 784">Flush and fill the pipeline with inhibited seawater.</td> </tr> <tr> <td data-bbox="1251 784 1371 938">(3) 5 or more years</td> <td data-bbox="1371 784 1562 938">Decommission the pipeline according to §§250.1750-250.1754.</td> </tr> </table>	for:		(1) 1 year or less	Isolate the pipeline with a blind flange or a closed block valve at each end of the pipeline.	(2) More than 1 year but less than 5 years	Flush and fill the pipeline with inhibited seawater.	(3) 5 or more years	Decommission the pipeline according to §§250.1750-250.1754.	
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(1) 1 year or less	Isolate the pipeline with a blind flange or a closed block valve at each end of the pipeline.											
(2) More than 1 year but less than 5 years	Flush and fill the pipeline with inhibited seawater.											
(3) 5 or more years	Decommission the pipeline according to §§250.1750-250.1754.											
	(c) Safety equipment. During the 30-day period of inactivity preceding the date that a pipeline attains out-of-service status, you must maintain and test all required pipeline safety equipment.			New section.								
	(d) Out-of-service report. You must submit a written report to the Regional Supervisor within 48 hours after a pipeline attains out-of-service status. In the out-of-service report, you must include: (1) The name of the company submitting the report; (2) The name and telephone number of your contact; (3) The MMS-assigned pipeline segment number; (4) The reason you took the pipeline out of service; (5) An estimate of the time that the pipeline will remain out of service; and (6) Confirmation that you have isolated the pipeline as required by paragraph (a) of this section.	1008 LTL 1991	(c) The lessee or right-of-way holder shall report to the Regional Supervisor any pipeline taken out of service. If the period of time in which the pipeline is out of service is greater than 60 days, written confirmation is also required. The notification required by									

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>this paragraph shall be made within 48 hours of the time a pipeline is determined to be out of service.</p> <p>The written confirmation required by this paragraph for a DOI pipeline that has been out of service for more than 60 days shall include an estimate of the total time that the pipeline is to remain out of service.</p> <p>When a DOI pipeline that has been out of service for more than 60 days is to be reactivated, a notification of such action shall <i>immediately</i> be made to the Regional Supervisor, Field Operations. After receiving such notification, the Regional Supervisor, Field Operations may require that the reactivation procedures be submitted for review and acceptance prior to conducting the work.</p>	
	<p>(e) <i>Flush and fill.</i> When a pipeline is out of service for one year, you must: (1) Immediately flush the pipeline with seawater until the returns comply with appropriate EPA NPDES standards; (2) Fill the pipeline with inhibited seawater; (3) Retain the records of your flush and fill activities at your nearest OCS</p>	LTL 1991	<p>When it is estimated that a DOI pipeline will be out of service for more than one year, the pipeline shall be <i>immediately</i> flushed and filled</p>	<p>Only item (5) is new.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>facility until the pipeline is reactivated; (4) Make the records available to MMS upon request; and (5) If you discharge any returns into the water column, dispose of them in accordance with applicable laws and regulations.</p>		<p>with inhibited seawater. Records of these actions shall be retained at the nearest OCS facility and be made available to MMS inspectors upon request.</p>	
	<p>(f) <i>Reactivation.</i> Before you reactivate an out-of-service pipeline, you must test all required safety equipment in accordance with the procedures in § 250.1084.</p>			<p>New section on reactivation,</p>
	<p>(g) <i>Reactivation report.</i> Within 30 calendar days after you reactivate an out-of-service pipeline, you must submit a written report to the Regional Supervisor. In the reactivation report, you must include the: (1) Name of the company preparing the report; (2) Name and telephone number of your contact; (3) MMS-assigned pipeline segment number; (4) Date you returned the pipeline to service; and (5) Report of the hydrostatic pressure test (see § 250.1061(a)), if required by § 250.1060(a)(4).</p>			<p>New section on reactivation report.</p>
	<p>(h) <i>Decommissioning an out-of-service pipeline.</i> You must decommission (see § 250.1105 through 250.1113) a pipeline within 1 year after: (1) It has been out of service for 5 years; or (2) You determine that it will be out of service for 5 years or more.</p>	<p>LTL 1991</p>	<p>When it is determined that a DOI pipeline will be out of service for five years or more, an application for its <i>immediate</i> abandonment shall be submitted to the Regional Supervisor, Field Operations, for approval.</p>	
<p>250.1087</p>	<p>What must I do if a pipeline is shut in?</p>			
	<p>Before you resume operations after your pipeline was shut in, you must determine that the pipeline does not leak by conducting a visual survey of the pipeline route (see § 250.1103(a)) and a leak test (see § 250.1059). These requirements are applicable if your pipeline was shut in because:</p>			<p>New section, requires operator to perform visual survey to make sure the pipeline does not leak after shut in</p>
	<p>(a) The eye center path of a major storm (winds 74 mph or greater) passed within 25 miles (or other distance specified by the Regional Supervisor) of any part of the pipeline;</p>			

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	(b) You had indications that pipeline integrity may have been compromised; or			
	(c) Your pipeline had an unexplained automatic shut-in (e.g., a PSL shut-in).			
250.1088	What must I do if a pipeline leaks?			
	If your pipeline experiences an accidental leak, you must:			New section , 250.1088(b) requires operator to notify MMS of P/L leaks.
	(a) Immediately suspend operations and not resume operations until the pipeline is repaired in accordance with § 250.1094 through 250.1096; and			
	(b) Notify the Regional Supervisor immediately, or as soon as practicable, after you discover that a pipeline is leaking.			
250.1089	What must I do if I need to flare or vent gas from a pipeline?			
	(a) <i>Approval</i> . You must receive approval from the Regional Supervisor to flare or vent natural gas from your pipeline during blowdown, unless the blowdown discharge point is downstream of the royalty meter (see subpart K, redesignated § 250.1155).			New section , 250.1089(a) requires operator to obtain approval when flaring or venting. 250.1089(b) requires operator to submit flaring or venting report within 72 hours.
	(b) <i>Report</i> . You must submit a written report to the Regional Supervisor that includes the location, time, flare or vent volume, and the reason for flaring or venting, within 72 hours after you complete the flaring or venting operations (see subpart K, redesignated § 250.1155).			
	(c) <i>Extended flaring or venting</i> . If you need to flare or vent natural gas from a pipeline for 48 continuous hours or more, you must adhere to the requirements in subpart K, redesignated § 250.1155.			
250.1090	When must I provide impact protection for existing risers?			
	You must provide impact protection to all pipeline risers installed prior to April 1, 1988, and that are outside of the platform structure, whenever:	1003	(a)(4) Pipeline risers installed after April 1, 1988, shall be protected from physical damage that could result from contact with floating vessels. Riser protection on pipelines installed on or before April 1, 1988, may be required when the Regional Supervisor	New section , requirement for protection on pipeline risers when determined if significant damage potential exists

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			determines that significant damage potential exists.	
	(a) The Regional Supervisor determines that significant damage potential exists;			
	(b) You perform maintenance or repair operations on any existing pipeline riser that is protected by a pipe-in-pipe configuration; or			
	(c) You perform major repairs or modifications on any pipeline riser that is not protected.			
250.1091	When will MMS suspend or temporarily prohibit pipeline operations?			
	The Regional Supervisor may suspend or temporarily prohibit any pipeline operation if:			New section , MMS is making the determination to suspend or temporarily prohibit pipeline operations if there is a threat or immediate harm or damage to life. This section gives unilateral authority to the Regional Supervisor to suspend operations or temporarily prohibit pipeline operations with any due process for the operator as seen with DOT today.
	(a) The Regional Supervisor determines that continued activity would threaten or result in serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life); property; mineral resources; or the marine, coastal, or human environment;			
	(b) The Regional Supervisor determines that you have failed to comply with a provision of the OCSLA or any other applicable law, a provision of this part or other applicable regulations, or a condition of a pipeline application approval or a pipeline ROW grant; or			
	(c) Prohibiting the pipeline operation is in the interest of national security or defense.			
Pipeline Modifications and Repairs				

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250.1093	<p>What must I do to modify an approved pipeline?</p> <p>(a) Definition. Modifying a pipeline means significantly changing an approved pipeline. Modifications include changing a pipeline route; installing, modifying, or replacing a subsea tie-in valve assembly; adding, modifying, or replacing safety equipment; changing service; changing flow direction; installing or replacing a pig receiving/launching assembly; changing a pipeline riser configuration; changing the MAOP; replacing or adding anodes; and adding a hot-tap. Modifications do not include routine operations such as performing a hydrostatic pressure test; pigging; injecting chemicals; flushing and filling a pipeline; installing a blind flange on an out-of-service pipeline; installing a clamp, sleeve, or wrap to mitigate pipe wall loss; and performing other routine operations or preventive maintenance.</p>	LTL 1991	Actions for which an application for the modification of an existing lease term or ROW pipeline shall be submitted for approval include, but are not limited to, changing a pipeline route, installing a subsea tie-in valve, adding safety equipment, changing service or flow direction of a pipeline, and installing a pig trap.	This section again makes no distinction between DOI and DOT pipelines? New section , 250.1093(b),(c),(d), and (e) require to submit application to modify existing P/L, including exceptions/departures, notices, reports, work plan, all required information, etc. 250.1093(b)(5) requires general departure and alternative compliance requests, including those not specifically covered elsewhere in subpart J regulations. 250.1093(f) requires to notify MMS using Form MMS-153(Notification of Pipeline Installation/Relocation/Hydrotest): before construction activities commence; 48 hours before conducting hydrostatic pressure test on P/L; before modification work begins to relocate P/L. 250.1093(g) requires to submit modification report within 30 days to MMS, including engineer certification, pressure test results, etc.
	<p>(b) Modification application. Before you conduct any operations to modify a pipeline, you must submit three copies of a modification application to the Regional Supervisor for approval. In the modification application, you must include each of the elements required by the following paragraphs (b)(1) through (b)(7) of this section.</p> <p>(1) The MMS-assigned pipeline segment number.</p>	1007	(b) Applications to modify an approved lease term pipeline or right-of-way grant shall be submitted in quadruplicate to the Regional Supervisor. These applications need only	The new rule requires a company to submit an application to the Regional Supervisor for approval before any modifications or repair work can commence. Currently, this isn't required, however, the

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	<p>(2) Those items in your approved pipeline application (see § 250.1014 through 250.1030) affected by the proposed modification.</p> <p>(3) The step-by-step procedures you will follow in making the modification, including the measures you will take to:</p> <ul style="list-style-type: none"> (i) Ensure safety; (ii) Minimize pollution; (iii) Comply with burial and covering requirements; and (iv) Perform any required hydrostatic pressure or leak test. <p>(4) If required by the Regional Supervisor, a work plan that describes the specific measures you intend to take, and the specific procedures you intend to follow, to ensure the safety of offshore workers and to prevent pollution. The work plan must include or consider:</p> <ul style="list-style-type: none"> (i) The operating history of the pipeline you plan to modify, including past modifications or repairs, and the operating conditions peculiar to the pipeline; (ii) Reasonable measures to ensure that pressure in the pipeline is equal to the external pressure; (iii) Reasonable measures to ensure that you purge combustibles and H₂S from the pipeline immediately before you conduct the modification; (iv) Advance notification to facility workers (both company and contract) concerning significant aspects of the upcoming modification; (v) Re-notification of all facility workers immediately before you attempt to de-pressurize, cut into, or open the pipeline to perform the modification; (vi) Onsite supervision during the entire modification operation; and (vii) Safeguards to ensure that the pipeline remains isolated during the entire modification operation so that facility workers are not endangered by pressure, H₂S, or explosive or combustible products. <p>(5) Requests for alternative compliance (see § 250.141) necessitated by the modification.</p> <p>(6) If applicable, an electronic file containing the digital coordinates of sufficient points to provide an accurate representation of the proposed modified route, including turns, for both the pipeline and umbilicals.</p> <p>(7) Payment of a nonrefundable service fee (see § 250.125 for amount).</p>		<p>address those items in the original application affected by the proposed modification.</p>	<p>Regional Supervisor may require a detailed repair procedure before the repair of the pipeline or as soon as practicable along with a detailed report of the repairs within 30 days of the completion of the work. Having to submit an application before any repair work can commence will impede the operator's ability to quickly restore service thereby impacting supply deliverability. Currently, MMS rules make only repairs that involve a right of way modification to be reported.</p>
	<p>(c) Hot tap modification application. If you plan to modify a pipeline by installing a hot tap, your modification application must include, in addition to</p>			<p>New section on hot tap modification application.</p>

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	<p>the requirements in paragraph (b) of this section:</p> <ol style="list-style-type: none"> (1) The design specifications for the hot tap; (2) A drawing of the proposed hot tap assembly; (3) A plat that shows the location of the hot tap, specifies its location in both X-Y coordinates and latitude and longitude in NAD 27 for the GOMR (Gulf) and POCSR, or NAD 83 for AKOCSR and GOMR (Atlantic), and shows the water depth (feet); and (4) A description of the hot tapping operations. 			
	<p>(d) Affected States. Unless each affected State has given general concurrence, or the Regional Director determines that a State is not an affected State, you must provide the information required by § 250.1016(a) if your planned modification of an approved ROW pipeline involves:</p> <ol style="list-style-type: none"> (1) Installation of additional pipe (except those modifications that involve only minor reconfiguration of existing pipelines); (2) Installation of a new accessory platform; or (3) Changing the product from natural gas to oil. 			New section.
	<p>(e) MMS review. A pipeline modification application is subject to the same review requirements as those for a new pipeline application (see § 250.1009).</p>			New Section,
	<p>(f) Relocation notification. If the approved pipeline modification involves the relocation of a pipeline, you must notify the Regional Supervisor at least 48 hours before you begin the work, using Form MMS-153 (Notification of Pipeline Installation/Relocation/Hydrotest).</p>			New Section.
	<p>(g) Modification report. Within 30 calendar days after you complete any pipeline modification that changed the location plat, or that required a hydrostatic pressure test, you must submit a written modification report to the Regional Supervisor. In the modification report you must include all of the following:</p> <ol style="list-style-type: none"> (1) The MMS-assigned pipeline segment number. (2) If applicable, a location plat based on the NAD 27 for the GOMR (Gulf) and POCSR, or NAD 83 for AKOCSR and GOMR (Atlantic), at a minimum scale of 1 inch = 2,000 feet that: <ol style="list-style-type: none"> (i) Depicts the actual location of the modification; (ii) Includes the latitude and longitude coordinates in both NAD 27 and NAD 83, and the X-Y coordinates in NAD 27 for the GOMR (Gulf) and POCSR, or 			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>NAD 83 for the AKOCSR and GOMR (Atlantic), of the key points of the modification; and (iii) Includes a certification by a registered engineer or land surveyor that attests to the accuracy of the "as-built" locations of the pipeline as modified. (3) If applicable, an electronic file containing the digital coordinates of the key points of the "as-built" pipeline and umbilical routes, including turns, as modified. You must report the digital data in decimal degrees latitude and longitude, based on NAD 83. (4) Confirmation that the modification was accomplished as approved by the Regional Supervisor. (5) If applicable, a report of the hydrostatic pressure test (see § 250.1061) required by § 250.1060(a)(2), (3), or (6). (6) If applicable, the pipe-to-electrolyte potential measurements required by § 250.1043(b).</p>			
250.1094	What are the general requirements for repairing a pipeline?			
	<p>Repairing a pipeline means performing remedial work as a result of a failure and/or the leaking of a pipeline or associated equipment, or a reduction in wall thickness that would have required a reduction in the MAOP. You must repair a pipeline in a manner that:</p>			New section , general requirement for repairing of a pipeline.
	(a) Meets or exceeds the original design specifications of the pipeline, appurtenances, and safety system components;			
	(b) Prevents unauthorized discharges;			
	(c) Does not unreasonably interfere with other uses of the OCS; and			
	(d) Does not cause undue or serious harm or damage to the human, marine, or coastal environment.			
250.1095	What must I do to commence and complete a repair?			
	<p>(a) Repair application. Before you conduct any repair work on a pipeline, you must submit one copy of an application to the Regional Supervisor for approval. You may submit this repair application at the same time as, or after, you make the notification required by § 250.1088(b). The repair application must include all of the elements required by the following paragraphs (a)(1) through (a)(9) of this section. (1) The MMS-assigned pipeline segment number. (2) The location (latitude and longitude in NAD 27 for the GOMR (Gulf) and</p>	1008	(e) The lessee or right-of-way holder must notify the Regional Supervisor before the repair of any pipeline or as soon as practicable. Your notification must be accompanied by payment of the service fee listed in	New section , 250.1095(a) & (b) requirement for notify MMS of P/L leaking; submit application to repair a P/L, including exceptions/departures, notices, reports, work plan, all required information, etc; receive approval from MMS before performing

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	<p>POCSR, and in NAD 83 for AKOCSR and GOMR (Atlantic)) and water depth (feet) of the repair.</p> <p>(3) A description of the damaged component, and the reason for the repair.</p> <p>(4) For pipelines that transport liquids, an estimate of the volume spilled (barrels), including slick size and appearance, if applicable.</p> <p>(5) For pipelines that transport natural gas, an estimate of the volume of gas leaked (MMCF), including sheen/boil size and appearance, if applicable.</p> <p>(6) Specifications of any new pipe, spool piece, clamps, or other materials you will use in making the repair.</p> <p>(7) The step-by-step procedures you will follow to make the repair, including the measures you will take to:</p> <ul style="list-style-type: none"> (i) Ensure safety; (ii) Minimize pollution; (iii) Comply with burial and covering requirements; and (iv) Conduct any required hydrostatic pressure or leak test. <p>(8) If required by the Regional Supervisor, a work plan that describes the specific measures you intend to take, and the specific procedures you intend to follow, to ensure the safety of offshore workers and to prevent pollution. The work plan must include or consider:</p> <ul style="list-style-type: none"> (i) The operating history of the pipeline you plan to repair, including past modifications or repairs, and the operating conditions peculiar to the pipeline; (ii) Reasonable measures to ensure that pressure in the pipeline is equal to the external pressure; (iii) Reasonable measures to ensure that you purge combustibles and H₂S from the pipeline immediately before you commence the repair work; (iv) Advance notification to all facility workers concerning significant aspects of the upcoming repair work; (v) Re-notification of all facility workers immediately before you attempt to de-pressurize, cut into, or open the pipeline to perform the repair work; (vi) Onsite supervision during the entire repair operation; and (vii) Safeguards to ensure that the pipeline remains isolated during the entire repair operation so that facility workers are not endangered by the release of pressure, H₂S, or explosive or combustible products. <p>(9) Payment of a nonrefundable service fee (see § 250.125 for amount).</p>		<p>§250.125. You must submit a detailed report of the repair of a pipeline or pipeline component to the Regional Supervisor within 30 days after the completion of the repairs. In the report you must include the following:</p> <ul style="list-style-type: none"> (1) Description of repairs; (2) Results of pressure test; and (3) Date returned to service. 	<p>work. 250.1095(f) requires operator to analyze P/L failure and examine samples of failed pipe in lab, if necessary and to submit findings to MMS. The new section lists the items that must be in the detailed repair report.</p>

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	(b) MMS review. The Regional Supervisor will review the pipeline repair application to ensure that the proposed operations conform to the regulations in this subpart.			
	(c) Pressure testing. You must comply with the pressure testing requirements in § 250.1060(b) and (c).			
	(d) Cathodic protection system measurements. When you conduct underwater repairs, you must measure the pipe-to-electrolyte potential at the location of the repair site if your pipeline: (1) Is located in the AKOCSR; or (2) Is located in either the GOMR or POCSR and either: (i) The pipeline is composed of any pipe that is more than 20 years old; or (ii) The life expectancy of the cathodic protection system cannot be calculated.			New section outlining CP system requirements.
	(e) Repair report. You must submit a written repair report to the Regional Supervisor within 30 calendar days after you complete a repair. In the repair report, you must include: (1) The MMS-assigned pipeline segment number; (2) The actual location of the repair (latitude and longitude in NAD 27 for the GOMR (Gulf) and POCSR, and in NAD 83 for the AKOCSR and GOMR (Atlantic)) and water depth (feet); (3) Confirmation of the failure or damage to the pipeline as originally reported to the Regional Supervisor; (4) Confirmation that the repair was accomplished as approved by the Regional Supervisor; (5) For pipelines that transport liquids, an estimate of the volume that spilled (barrels), if any, while you performed the repair work; (6) A report of any hydrostatic pressure test (see § 250.1061(a)) required by § 250.1060(b) and (c); (7) The results of any leak test (see § 250.1061(b)) required by § 250.1060(b)(1) or (c)(1); and (8) The pipe-to-electrolyte potential measurements required by paragraph (d) of this section.	NTL 1991	After receiving the notification of a pipeline repair, the Regional Supervisor, Field Operations may require that a detailed repair procedure be submitted for review and acceptance prior to conducting the work. The report required by this paragraph shall include the location of the repair; specifications of any new pipe, clamps, or other equipment; a step-by-step discussion of the repair procedure; and the data resulting from any required test.	New section now requires the repair report to be submitted whereas today the Regional Supervisor may request it.
	(f) Failure analysis and examination. The Regional Supervisor may require you to analyze a pipeline failure, and examine samples of a failed pipe or associated equipment in a laboratory to determine the cause of failure. When	1008	(f) The Regional Supervisor may require that DOI pipeline failures be analyzed and that	New section giving the Regional Supervisor authority to request a failure analysis and examination in

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	so directed, you must submit a comprehensive written report of your findings to the Regional Supervisor.		samples of a failed section be examined in a laboratory to assist in determining the cause of the failure. A comprehensive written report of the information obtained shall be submitted by the lessee to the Regional Supervisor as soon as available.	a laboratory apparently for any pipeline. The current rule states that this is only for DOI pipelines.								
250.1096	What must I do to repair a pipeline using a clamp?											
	<p>When repairing a pipeline using a clamp, you must comply with the requirements in the following table:</p> <table border="1" data-bbox="243 781 1066 1276"> <thead> <tr> <th data-bbox="243 781 537 813">If you use . . .</th> <th data-bbox="537 781 1066 813">Then . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 813 537 902">(a) A clamp to make a repair on a pipeline</td> <td data-bbox="537 813 1066 902">You must use a full encirclement clamp with a rated working pressure equal to or greater than the MAOP of the pipeline.</td> </tr> <tr> <td data-bbox="243 902 537 1032">(b) A clamp on the horizontal component or on the riser below the splash zone</td> <td data-bbox="537 902 1066 1032">You may use a welded clamp or a mechanical clamp.</td> </tr> <tr> <td data-bbox="243 1032 537 1276">(c) A mechanical clamp to temporarily repair a riser in or above the splash zone</td> <td data-bbox="537 1032 1066 1276">You must: (1) Submit a repair application (see § 250.1095(a)) to the Regional Supervisor for approval to make a permanent repair. (2) Within 30 calendar days after you install the mechanical clamp, complete the permanent repair using a welded clamp, spool piece, or other method approved by the Regional Supervisor.</td> </tr> </tbody> </table>	If you use . . .	Then . . .	(a) A clamp to make a repair on a pipeline	You must use a full encirclement clamp with a rated working pressure equal to or greater than the MAOP of the pipeline.	(b) A clamp on the horizontal component or on the riser below the splash zone	You may use a welded clamp or a mechanical clamp.	(c) A mechanical clamp to temporarily repair a riser in or above the splash zone	You must: (1) Submit a repair application (see § 250.1095(a)) to the Regional Supervisor for approval to make a permanent repair. (2) Within 30 calendar days after you install the mechanical clamp, complete the permanent repair using a welded clamp, spool piece, or other method approved by the Regional Supervisor.	1003	(c) When a pipeline is repaired utilizing a clamp, the clamp shall be a full encirclement clamp able to withstand the anticipated pipeline pressure.	New section, 250.1096(c)(1) requires to submit application to repair a P/L, including exceptions/departures, notices, reports, work plan, all required information, etc; receive approval from MMS before performing work. 250.1096(c)(2) specific requirements when using clamp to make a repair on a pipeline. The new rule requires that any mechanical clamp used as a temporary repair in or above the splash zone requires the company to submit an application to the Regional Supervisor for approval to make the permanent repair and within 30 days of making the temporary repair it must be replaced with a permanent repair using a spool piece. It is a common practice today to use some mechanical clamps as a
If you use . . .	Then . . .											
(a) A clamp to make a repair on a pipeline	You must use a full encirclement clamp with a rated working pressure equal to or greater than the MAOP of the pipeline.											
(b) A clamp on the horizontal component or on the riser below the splash zone	You may use a welded clamp or a mechanical clamp.											
(c) A mechanical clamp to temporarily repair a riser in or above the splash zone	You must: (1) Submit a repair application (see § 250.1095(a)) to the Regional Supervisor for approval to make a permanent repair. (2) Within 30 calendar days after you install the mechanical clamp, complete the permanent repair using a welded clamp, spool piece, or other method approved by the Regional Supervisor.											

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
				permanent repair or to delay replacing it with a spool piece until a convenient time that will not impact deliverability.
250.1097	When do I need to submit a corrective action plan and report?			
	<p>(a) Plan. The Regional Supervisor may require you to submit a corrective action plan for approval if there are internal or external conditions that could detrimentally affect a pipeline including, but not limited to:</p> <p>(1) Conditions that might affect the performance or integrity of pipeline valves and fittings at a subsea tie-in;</p> <p>(2) Conditions that could cause interference with navigation or other uses of the OCS;</p> <p>(3) Riser or riser clamp damage;</p> <p>(4) Pipeline exposure or displacement; or</p> <p>(5) Anomalies and metal loss.</p>			New section, 250.1097(a) & (b) require submitting corrective action plan if internal or external conditions could detrimentally affected a P/L. Also submit application to repair a P/L, including exceptions/departures, notices, reports, work plan, all required information; receive approval from MMS before performing work. 250.1097(c) if required, within 30 days submit report confirming completion of corrective action detailed in plan; specific requirements when an operator need to submit a corrective action plan and report to the regional supervisor.
	<p>(b) Submittal. You must submit the corrective action plan required by paragraph (a) of this section to the Regional Supervisor. If the remedial work under the corrective action plan requires MMS approval of a modification application (see § 250.1093(a)) or a repair application (see § 250.1095(a)), you may include the appropriate application in your corrective action plan.</p>			
	<p>(c) Report. The Regional Supervisor may require you to submit a written report, within 30 calendar days after you complete the corrective action, confirming that you carried out your corrective action plan as approved.</p>			
Pipeline Surveying, Monitoring and Inspection				
250.1100	What are the general requirements for surveying, monitoring, and			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	inspecting a pipeline?			
	You must survey, monitor, and inspect all pipelines, including shut in pipelines, in a manner that:			This section again makes no distinction between DOI and DOT pipelines? New section , general requirement for inspecting and monitoring a pipeline. This rule does not specify the frequency and time.
	(a) Periodically verifies the integrity of the pipeline and risers;			
	(b) Prevents unauthorized discharges			
	(c) Does not unreasonably interfere with other uses of the OCS; and			
	(d) Does not cause undue or serious harm or damage to the human, marine, or coastal environment.			
250.1101	What must I do to survey and monitor a pipeline or route?			
	(a) Surveying. You must conduct a visual survey of each of your pipeline routes at least monthly (or at a frequency specified by the Regional Supervisor) for indication of pipeline leaks. You may conduct this visual survey from a helicopter, marine vessel, or vehicle; by walking on ice; or by other means approved by the Regional Supervisor. The survey must be conducted during daylight hours (except in the AKOCSR). You must retain the results of the visual survey for at least 2 years, and make them available to MMS upon request.	1005 NTL 1991	(a) Pipeline routes shall be inspected at time intervals and methods prescribed by the Regional Supervisor for indication of pipeline leakage. The results of these inspections shall be retained for at least 2 years and be made available to the Regional Supervisor upon request. Each DOI pipeline route in the GOM shall be inspected at least monthly for indication of pipeline leakage. These inspections can be made by using a helicopter, marine vessel, or other approved means.	New section , 250.1101(a) requires conducting monthly visual survey of P/L routes for indication of P/L leaks. Retain results for 2 years and make available to MMS upon request; specific requirements on frequency of surveying a pipeline or route. The new rule requires a company to conduct a visual survey of each of its pipeline routes at least monthly for an indication of leaks. Currently, transporters do this annually. Having to do this monthly, would be very costly and have a huge impact on helicopter usage in the GOM.

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns									
	(b) Product monitoring. You must monitor the products transported in the pipeline to ensure that your internal corrosion and flow assurance measures remain effective.												
250.1102	What inspections are required for my pipeline or route?												
	<p>You must conduct the inspections in the following table:</p> <table border="1" data-bbox="243 537 1066 1424"> <thead> <tr> <th data-bbox="243 537 512 630">Component and conditions for inspection</th> <th data-bbox="512 537 785 630">Inspection requirements</th> <th data-bbox="785 537 1066 630">Reporting and recordkeeping requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 630 512 1211">(a) All risers</td> <td data-bbox="512 630 785 1211">You must: (1) Conduct a visual inspection of each pipeline riser in and above the splash zone at least annually for indications of damage or corrosion (2) In conjunction with the platform inspections required by § 250.919, inspect the underwater portions of each pipeline riser for indications of corrosion, soil erosion, or damage</td> <td data-bbox="785 630 1066 1211">You must retain the records of the riser inspections for at least 2 years on the nearest OCS facility, and make them available to MMS upon request.</td> </tr> <tr> <td data-bbox="243 1211 512 1424">(b) All flexible joints on risers</td> <td data-bbox="512 1211 785 1424">You must: (1) Conduct a visual inspection of the flexible joints on each riser at least annually (2) If the results of an</td> <td data-bbox="785 1211 1066 1424">You must submit the results of each flexible joint inspection to the Regional Supervisor within 30 calendar days after you</td> </tr> </tbody> </table>	Component and conditions for inspection	Inspection requirements	Reporting and recordkeeping requirements	(a) All risers	You must: (1) Conduct a visual inspection of each pipeline riser in and above the splash zone at least annually for indications of damage or corrosion (2) In conjunction with the platform inspections required by § 250.919, inspect the underwater portions of each pipeline riser for indications of corrosion, soil erosion, or damage	You must retain the records of the riser inspections for at least 2 years on the nearest OCS facility, and make them available to MMS upon request.	(b) All flexible joints on risers	You must: (1) Conduct a visual inspection of the flexible joints on each riser at least annually (2) If the results of an	You must submit the results of each flexible joint inspection to the Regional Supervisor within 30 calendar days after you	<p>1005</p> <p>1008</p>	<p>(b) When pipelines are protected by rectifiers or anodes for which the initial life expectancy of the cathodic protection system either cannot be calculated or calculations indicate a life expectancy of less than 20 years, such pipelines shall be inspected annually by taking measurements of pipe-to-electrolyte potential.</p> <p>(h) The results and conclusions of measurements of pipe-to-electrolyte potential measurements taken annually on DOI pipelines in accordance with §250.1005(b) of this part shall be submitted to the Regional Supervisor by the lessee before March of each year.</p>	<p>New section, 250.1102(a)(1)requires inspecting P/L risers fro indication of damage or corrosion in and above splash zone annually. Retain results for 2 years and make available to MMS upon request. 1102(a)(2) requires inspecting underwater portions of P/L risers in conjunction with platform inspections required by 250.919. Retain results for 2 years and make available to MMS upon request. .1102(b) require to inspect flexible joints on each riser annually or every 6 months if required using diver or remotely operated vehicle. Submit result to MMS within 30 days. .1102(c) require to inspect P/L impressed current sources 6 times/year. Retain results for 2 years and make available to MMS upon request. .1102(d) requires inspecting anode systems annually, and submitting data to MMS.</p> <p>Item (c) under the current rule would apply to all pipelines including transportation. Currently, it only applies to DOI</p>
Component and conditions for inspection	Inspection requirements	Reporting and recordkeeping requirements											
(a) All risers	You must: (1) Conduct a visual inspection of each pipeline riser in and above the splash zone at least annually for indications of damage or corrosion (2) In conjunction with the platform inspections required by § 250.919, inspect the underwater portions of each pipeline riser for indications of corrosion, soil erosion, or damage	You must retain the records of the riser inspections for at least 2 years on the nearest OCS facility, and make them available to MMS upon request.											
(b) All flexible joints on risers	You must: (1) Conduct a visual inspection of the flexible joints on each riser at least annually (2) If the results of an	You must submit the results of each flexible joint inspection to the Regional Supervisor within 30 calendar days after you											

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		inspection required by item (1) of this paragraph indicate that a flexible joint shows signs of deterioration, conduct the required inspections at least every 6 months	complete the inspection.			pipelines. Under (d) the timeframe is too accelerated and is not a current MMS requirement.
(c) Impressed current sources if your pipeline is protected by rectifiers or other impressed current sources	You must inspect the impressed current sources at least six times each year (with no more than 10 weeks between inspections) to determine if the pipeline is adequately protected	You must retain the records of the impressed current source inspections for at least 2 years on the nearest OCS facility, and make them available to MMS upon request.				
(d) Anode systems if your pipeline is cathodically protected by anodes and if your pipeline is: (1) Located in the POCSR or AKOCSR; or (2) Located in the	You must measure the pipe-to-electrolyte potential annually by September 30 of each year	You must submit the pipe-to-electrolyte potential measurements to the Regional Supervisor no later than October 31 of the same year, or within 60 calendar days of the measurements, whichever is earlier.				

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	GOMR and either: (i) The pipeline is composed of any pipe that is more than 20 years old; or (ii) The life expectancy of the cathodic protection system cannot be calculated.					
250.1103	What additional inspections or surveys may the Regional Supervisor require?					
	The Regional Supervisor may require you to conduct the inspections or surveys in the following table:					New section, 250.1103(a) if required, conduct visual or remote inspection of horizontal component of P/L and submit report to MMS. .1103(b) if required, inspect P/L after major storm and submit report to MMS. .1103(c) if required, inspect P/L after earthquake and submit report to MMS. .1103(d) if required, conduct ultrasonic inspection of P/L and submit results to MMS. .1103(e) if required, conduct in-line inspection of P/L and submit results to MMS. .1103(f) if required, conduct trawl test or other survey of P/L and submit results to MMS.
Type of inspection the regional supervisor may require	Inspection requirements	Reporting and record keeping requirements				
(a) Horizontal components inspection	Conduct a visual or remote inspection of the horizontal component of your pipeline	Submit a report on the results of the horizontal component inspection to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal deadline of the report.				
(b) Pipeline inspection after a storm. If any portion of your pipeline within 25	(1) Survey the pipeline route (2) Conduct a visual inspection of the above-water	Submit a report of the results of the post-storm inspection(s) listed in this				

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	<p>miles (or other distance specified by Regional Supervisor) of the eye (central path) of a major storm (74 mph or greater)</p>	<p>portion of the pipeline riser for damage to the riser and clamps (3) Inspect the underwater portion of the pipeline riser (including clamps, VIV suppression, and connection devices) for evidence of displacement or exposure (4) Inspect the horizontal component from the base of the riser to a point at least 200 feet away from the base of the riser for evidence of displacement or exposure (5) Conduct an underwater visual inspection by divers or ROV of each of your pipeline valves, crossings, and tie-ins to determine: (i) Whether or not any valves or fittings became exposed; and (ii) The extent of any</p>	<p>paragraph to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal deadline of the report.</p>			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
		damage, including damage to protective devices, mats, and sandbags				
	(c) Pipeline Inspection after an earthquake. If any portion of your pipeline may have been affected by an earthquake	Conduct surveillance, inspection, and monitoring of the pipeline	Submit a report on the results of the post-earthquake surveillance, inspections, or monitoring to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal deadline of the report.			
	(d) Ultrasonic test (UT) inspection	Conduct a UT inspection of your pipeline	Submit a report on the UT inspection results to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal deadline of the report.			
	(e) In-line inspection	Conduct an in-line inspection of your pipeline using smart pigs	Submit a report on results of the in-line inspection to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal			

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(f) Trawl test or other survey	Conduct a trawl test, diver survey, or ROV survey, or use another method approved by the Regional Supervisor, to determine whether the pipeline interferes with other uses of the OCS	deadline of the report. Submit a report on the results of the trawl test, diver survey, or ROV survey to the Regional Supervisor. The Regional Supervisor will specify the contents and submittal deadline of the report.			
Pipeline Decommissioning						
250.1105	When do I accrue pipeline decommissioning obligations?					
	You accrue pipeline decommissioning obligations when you are, or become:					This section again makes no distinction between DOI and DOT pipelines? New section , defined who has the obligations to accrue pipeline decommissioning.
	(a) A lessee, or the owner of operating rights, of a lease on which there is a lease term pipeline; or					
	(b) The holder of a pipeline ROW on which there is a pipeline, accessory, or appurtenance (including umbilicals).					
250.1106	When must I decommission a pipeline?					
	You must decommission your pipeline within 1 year after:					New section , require to decommission a P/L within 1 year that: a) P/L has been out of service for 5 years; b) P/L will be out of service for 5 years or more; c) ROW P/L grant terminates; d)

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns										
				lease term P/L lease terminates										
	(a) The pipeline has been out of service for 5 years (see § 250.1086(h)(1));													
	(b) You determine that a pipeline will be out of service for 5 years or more (see § 250.1086(h)(2));													
	(c) For ROW pipelines, your pipeline ROW grant terminates (see § 250.1138(b)); or													
	(d) For lease term pipelines, your OCS lease terminates.													
250.1107	What must I do to decommission a pipeline in place?													
	<p>You may decommission a pipeline in place when the Regional Supervisor determines that the pipeline does not constitute a hazard or obstruction to navigation and commercial fishing operations, unduly interfere with other uses of the OCS, or have adverse environmental effects. To decommission a pipeline in place you must meet the requirements in the following table.</p> <table border="1" data-bbox="243 786 1066 1406"> <thead> <tr> <th>Requirement</th> <th>What you must do to meet the requirement</th> </tr> </thead> <tbody> <tr> <td>(a) Application</td> <td>Submit a pipeline decommissioning application to the Regional Supervisor in accordance with § 250.1109(a)(1), and receive approval from the Regional Supervisor before you begin the work.</td> </tr> <tr> <td>(b) Purging and flushing</td> <td>(1) You must either: (i) Pig the pipeline, including risers, using a pig that will displace the entire contents of the pipeline; or (ii) Flush the pipeline, including risers, with seawater until the returns comply with appropriate EPA NPDES standards. (2) If you discharge any flushed returns into the water column, you must dispose of them in accordance with applicable laws and regulations.</td> </tr> <tr> <td>(c) Filling</td> <td>Fill the pipeline, including risers, with seawater.</td> </tr> <tr> <td>(d) Records</td> <td>For each pipeline decommissioned in place after (INSERT THE EFFECTIVE DATE OF THE REGULATION), retain the records of your flushing and filling activities and make them available to MMS upon request for the life of the pipeline.</td> </tr> </tbody> </table>	Requirement	What you must do to meet the requirement	(a) Application	Submit a pipeline decommissioning application to the Regional Supervisor in accordance with § 250.1109(a)(1), and receive approval from the Regional Supervisor before you begin the work.	(b) Purging and flushing	(1) You must either: (i) Pig the pipeline, including risers, using a pig that will displace the entire contents of the pipeline; or (ii) Flush the pipeline, including risers, with seawater until the returns comply with appropriate EPA NPDES standards. (2) If you discharge any flushed returns into the water column, you must dispose of them in accordance with applicable laws and regulations.	(c) Filling	Fill the pipeline, including risers, with seawater.	(d) Records	For each pipeline decommissioned in place after (INSERT THE EFFECTIVE DATE OF THE REGULATION), retain the records of your flushing and filling activities and make them available to MMS upon request for the life of the pipeline.	1006	(a) The requirements for decommissioning pipelines are listed in §250.1750 through §250.1754.	New section , 250.1107(a) requires submitting application to decommission a P/L in place or by removal, including notices and certifications (currently approved under 1010-0142). .1107(d) require purge, flush, and fill pipeline decommissioned in place. Retain records and make available to MMS upon request for the life of the pipeline. Item (g) provides some new requirements with a slope of 1;3 and the option to use sandbags.
Requirement	What you must do to meet the requirement													
(a) Application	Submit a pipeline decommissioning application to the Regional Supervisor in accordance with § 250.1109(a)(1), and receive approval from the Regional Supervisor before you begin the work.													
(b) Purging and flushing	(1) You must either: (i) Pig the pipeline, including risers, using a pig that will displace the entire contents of the pipeline; or (ii) Flush the pipeline, including risers, with seawater until the returns comply with appropriate EPA NPDES standards. (2) If you discharge any flushed returns into the water column, you must dispose of them in accordance with applicable laws and regulations.													
(c) Filling	Fill the pipeline, including risers, with seawater.													
(d) Records	For each pipeline decommissioned in place after (INSERT THE EFFECTIVE DATE OF THE REGULATION), retain the records of your flushing and filling activities and make them available to MMS upon request for the life of the pipeline.													

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	(e) Disconnecting	Disconnect the pipeline from connecting platforms, pipelines, and subsea manifolds.			In section (h) item (2) is new.
	(f) Cutting and plugging	Cut and plug each end of the pipeline.			
	(g) Protecting ends	Protect the ends of the pipeline as follows: (1) If the pipeline end is in a water depth less than 200 feet, bury the end to a depth at least 3 feet below the seafloor, and cover it with either sand bags or a concrete mat. If you use sand bags, they must have a slope above the seafloor of 1:3 (rise:run). If you use a concrete mat, the edges of the mat must be below the seafloor. (2) If the pipeline end is in a water depth 200 feet or greater but less than 500 feet, you may either bury the end to a depth at least 3 feet below the seafloor, or cover the end with a concrete mat. If you use a concrete mat, the edges of the mat must be below the seafloor. (3) If the pipeline end is in a water depth 500 feet or greater, you may forego burial and covering if the Regional Supervisor determines that the pipeline end is not an obstruction to other uses of the seafloor or area.			
	(h) Removing appurtenances	Remove all pipeline appurtenances unless: (1) The Regional Supervisor determines that the appurtenance would not unduly interfere with other uses of the seafloor or area; or (2) The water depth is greater than 2,624 feet.			
	(i) Decommission umbilicals in place	Decommissioning all umbilicals in place in accordance with the requirements of paragraphs (a) through (g) of this section.			
250.1108	What must I do to decommission a pipeline by removal?				
	To decommission a pipeline by removal, you must:				New section, 250.1108(a) requires

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
	Requirement	What you must do to meet the requirement			submitting application to decommission a P/L in place or by removal prior to beginning the work, including notices and certifications (similar to current approved notice under 250.1010).
(a) Application	Submit a pipeline decommissioning application to the Regional Supervisor in accordance with § 250.1109(a)(2), and receive approval from the Regional Supervisor before you begin the work.				
(b) Purging and flushing	(1) You must either: (i) Pig the pipeline, including risers, using a pig that will displace the entire contents of the pipeline; or (ii) Flush the pipeline, including risers, with seawater until the returns comply with appropriate EPA NPDES standards. (2) If you discharge any flushed returns into the water column, you must dispose of them in accordance with applicable laws and regulations.				
(c) Removing umbilicals	Remove all umbilicals in accordance with the requirements of paragraphs (a) and (b) of this section.				
(d) Removing the pipeline	Physically remove the pipeline.				
250.1109	How do I obtain approval to decommission a pipeline?				
	(a) To obtain approval to decommission a pipeline, you must:				New section , 250.1109(a) & (b) require submitting application to decommission a P/L in place or by removal, including notices and certifications (partially described in the current approved notice under 250.1010) . 1109(c) requires notifying MMS to withdraw decommissioning application.
What to submit	Application contents				
(1) Submit three copies of a pipeline decommissioning application to the Regional Supervisor for approval	(i)The MMS-assigned pipeline segment number; (ii) Reason for the decommissioning; (iii) Proposed decommissioning procedures, including those to comply with the requirements of § 250.1107; (iv) Length (feet) of pipe to be decommissioned; (v) Length (feet) of pipe that will remain in place; (vi) Requests for alternative compliance or a departure under § 250.141 or 250.142; and (vii) If the application is to decommission a lease term pipeline, payment of a nonrefundable service fee (see § 250.125 for amount).				

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(2) Submit three copies of a pipeline decommissioning application to the Regional Supervisor for approval</p> <p>(i) The MMS-assigned pipeline segment number; (ii) The reason for the decommissioning; (iii) Your proposed removal procedures, including decommissioning those to comply with the requirements of § 250.1108; (iv) A description of the vessel(s) you will use to remove the pipeline, including anchor pattern(s), if required by the Regional Supervisor. (v) The length (feet) of pipe to be removed; (vi) The length (feet) of pipe that will remain in place; (vii) Plans for transportation of removed pipe for disposal or salvage; (viii) Plans to protect archaeological and sensitive biological features during removal operations; (ix) An assessment of the environmental impacts of the removal operations, and the procedures and mitigation measures that you will take to minimize such impacts; (x) A projected pipeline removal schedule; (xi) If the application is to decommission an ROW pipeline by removal: (A) A coastal zone consistency certification according to 15 CFR 930.57, for each affected State; and (B) Evidence that you have sent your decommissioning application, consistency certification (see 15 CFR 930.57), and all necessary data and information (see 15 CFR 930.58) to each affected State for their consistency determination under the CZMA; and (xii) If the application is to decommission a lease term pipeline, payment of a nonrefundable service fee (see § 250.125 for amount).</p>			
	<p>(b) <i>Electronic submission.</i> You may submit part or all of your decommissioning application electronically (see § 250.186(a)(3)). If you prefer to submit your application electronically, you should consult with the</p>			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns												
	Regional Supervisor for further guidance.															
	(c) Withdrawal of application. You may withdraw your decommissioning application at any time, for any reason, by notifying the Regional Supervisor in writing.															
250.1110	How does MMS process a decommissioning application?															
	After you submit a decommissioning application, the Regional Supervisor will process it as shown in the following table.			New section , 250.1110 require to submit application to decommission a P/L in place or by removal, including notices and certifications (partially described in the current approved notice under 250.1010). 250.1110(d) & (e)(2) require amending pending decommissioning application.												
	<table border="1"> <thead> <tr> <th data-bbox="243 597 457 634">Processing step</th> <th data-bbox="457 597 1083 634">What the Regional Supervisor will do</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 634 457 786">(a) Completeness review.</td> <td data-bbox="457 634 1083 786">Determine whether your decommissioning application (either in place or by removal) is complete, and will notify you in writing of any problem or deficiency. The Regional Supervisor will not begin processing your application until it is complete.</td> </tr> <tr> <td data-bbox="243 786 457 911">(b) Compliance review</td> <td data-bbox="457 786 1083 911">Review the proposed operations described in your decommissioning application to ensure that they conform to the OCSLA (43 U.S.C.1331, <i>et seq.</i>), other applicable laws, and MMS regulations.</td> </tr> <tr> <td data-bbox="243 911 457 1062">(c) Environmental impact evaluation</td> <td data-bbox="457 911 1083 1062">Evaluate the environmental impacts of the operations described in your decommissioning application, and prepare environmental documentation under NEPA (42 U.S.C. 4321, <i>et seq.</i>) and the implementing regulations (40 CFR parts 1500 through 1508).</td> </tr> <tr> <td data-bbox="243 1062 457 1154">(d) Amendments</td> <td data-bbox="457 1062 1083 1154">During the review of your decommissioning application, the Regional Supervisor may require you, or you may elect, to change the application.</td> </tr> <tr> <td data-bbox="243 1154 457 1401">(e) MMS decision</td> <td data-bbox="457 1154 1083 1401">Review your decommissioning application, notify you in writing of the decision, and either: (1) Approve the application, if it complies with all applicable requirements, and inform you of any conditions of approval; or (2) Require you to amend the application, and inform you of the reasons for requiring the amendment, if the proposed decommissioning operations would probably cause</td> </tr> </tbody> </table>	Processing step	What the Regional Supervisor will do		(a) Completeness review.	Determine whether your decommissioning application (either in place or by removal) is complete, and will notify you in writing of any problem or deficiency. The Regional Supervisor will not begin processing your application until it is complete.	(b) Compliance review	Review the proposed operations described in your decommissioning application to ensure that they conform to the OCSLA (43 U.S.C.1331, <i>et seq.</i>), other applicable laws, and MMS regulations.	(c) Environmental impact evaluation	Evaluate the environmental impacts of the operations described in your decommissioning application, and prepare environmental documentation under NEPA (42 U.S.C. 4321, <i>et seq.</i>) and the implementing regulations (40 CFR parts 1500 through 1508).	(d) Amendments	During the review of your decommissioning application, the Regional Supervisor may require you, or you may elect, to change the application.	(e) MMS decision	Review your decommissioning application, notify you in writing of the decision, and either: (1) Approve the application, if it complies with all applicable requirements, and inform you of any conditions of approval; or (2) Require you to amend the application, and inform you of the reasons for requiring the amendment, if the proposed decommissioning operations would probably cause		
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Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns		
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250.1111	After I decommission a pipeline, what information must I submit?					
	Within 30 calendar days after you decommission a pipeline, you must submit a written decommissioning report to the Regional Supervisor that includes:			New section , require to submit decommissioning report within 30 days to MMS, including certifications (this is partially described in the current approved notice under 250.1010-0142).		
	(a) The MMS-assigned pipeline segment number;					
	(b) A summary of the decommissioning operation, including the date the work was completed;					
	(c) A description of any mitigation measures you took; and					
	(d) A statement signed by your authorized representative which certifies that the pipeline was decommissioned according to the approved application.					
250.1112	When must I remove a pipeline decommissioned in place?					
	If the Regional Supervisor subsequently determines that the pipeline decommissioned in place is an obstruction to other uses of the OCS, you must remove the pipeline in accordance with the requirements in § 250.1108, 1109(a)(2), and 1111.			New section , the regional director may require operator to remove your decommissioned pipeline in accordance with the requirements in 250.1108, .1109(a)(2) and .1111.		
250.1113	What are the requirements for re-commissioning a decommissioned pipeline?					
	<p>(a) Re-commissioning. Before re-commissioning a decommissioned pipeline, the current lessee, current designated lease operator, or former pipeline ROW holder, as applicable, must:</p> <p>(1) Submit an application under § 250.1007(a), including the MMS-assigned pipeline segment number, and receive approval from the Regional Supervisor.</p> <p>(2) If the application is to re-commission a pipeline as an ROW pipeline,</p>			New section , 250.1113(a)(1) requires submitting application to MMS to decommission decommissioned P/L. .1113(a)(2) requires submitting application for P/L ROW grant to re-commission a		

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>include:</p> <p>(i) An application for a pipeline ROW grant, if applicable (see § 250.1125(a)), and receive approval from the Regional Supervisor; and</p> <p>(3) Hydrostatically pressure test the pipeline in accordance with § 250.1060(a)(5).</p> <p>(4) Conduct all inspections required by the Regional Supervisor, including those in § 250.1102(b), (c), and (d) and § 250.1103(a), (d), and (e).</p>			<p>decommissioned P/L; additional information if required. .1113(b) require to submit re-commissioning report within 30 days to MMS, including pressure test results, etc.</p>
	<p>(b) Re-commissioning report. Within 30 calendar days after you re-commission a decommissioned pipeline, you must submit a written re-commissioning report to the Regional Supervisor that includes all of the following:</p> <p>(1) The MMS-assigned pipeline segment number.</p> <p>(2) A location plat based on the NAD 27 for the GOMR (Gulf) and POCSR, or NAD 83 for AKOCSR and GOMR (Atlantic), at a minimum scale of 1 inch = 2,000 feet. The location plat must depict the actual location of the re-commissioned pipeline.</p> <p>(3) An electronic file of the digital coordinates of the key points of your "as-built" pipeline route, as re-commissioned. You must report the digital data in decimal degrees latitude and longitude, based on NAD 83.</p> <p>(4) Confirmation that the re-commissioning was accomplished as approved by the Regional Supervisor.</p> <p>(5) A report of the hydrostatic pressure test (see § 250.1061) required by § 250.1060(a)(5).</p>			
Pipeline Right-of-Way (ROW) Grants				
250.1115	What is a pipeline ROW grant?			
	<p>A pipeline ROW grant is an authorization issued by MMS for the use of submerged lands for the construction and operation of an associated ROW pipeline to transport oil, natural gas, sulphur, or other associated products.</p>	1009	<p>(a) In addition to applicable requirements of §§250.1000 through 250.1008 and other regulations of this part, regulations of the Department of Transportation, Department of the Army, and the Federal Energy</p>	<p>This section is partially defined in the current approved notice under 250.1015</p>

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			<p>Regulatory Commission (FERC), when a pipeline qualifies as a right-of-way pipeline, the pipeline shall not be installed until a right-of-way has been requested and granted in accordance with this subpart. The right-of-way grant is issued pursuant to 43 U.S.C. 1334(e) and may be acquired and held only by citizens and nationals of the United States; aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20); private, public, or municipal corporations organized under the laws of the United States or territory thereof, the District of Columbia, or of any State; or associations of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States.</p>	
	<p>(a) Authority. MMS grants a pipeline ROW pursuant to section 5(e) of the OCSLA (43 U.S.C. 1334(e)).</p>			
	<p>(b) Term. A pipeline ROW granted by MMS under the provisions of this subpart remains in effect until it is relinquished, cancelled, or forfeited, or until it expires.</p>			
	<p>(c) Dimensions. A pipeline ROW includes the site on which the pipeline, and</p>	<p>1009</p>	<p>(b) A right-of-way shall</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>any associated appurtenances and accessories, are or will be situated.</p> <p>(1) The width of the pipeline ROW is 200 feet centered on the pipeline.</p> <p>(2) The site of an accessory includes the areal extent of anchor chains, pipeline risers, and other facilities and devices associated with the accessory.</p>		<p>include the site on which the pipeline and associated structures are to be situated, shall not exceed 200 feet in width unless safety and environmental factors during construction and operation of the associated right-of-way pipeline require a greater width, and shall be limited to the area reasonably necessary for pumping stations or other accessory structures.</p>	
	<p>(d) Conveyed rights. If the Regional Supervisor approves a pipeline ROW grant, you have the:</p> <p>(1) Exclusive right and privilege to construct, maintain, and operate the associated pipeline for the purpose of transporting oil, natural gas, sulphur, or other associated products; and</p> <p>(2) Right to be notified and consulted if any proposed OCS operations will cross or otherwise impact your pipeline ROW.</p>			
250.1116	When must I obtain a pipeline ROW grant?			
	<p>Before you may construct an ROW pipeline, or use an existing pipeline that qualifies as a ROW pipeline, the Regional Supervisor must grant you a pipeline ROW in accordance with the provisions of this subpart. You must receive a separate pipeline ROW grant for each ROW pipeline, even if the new pipeline ROW grant would overlap another pipeline ROW grant.</p>	1000	<p>(d) A pipeline which qualifies as a right-of-way pipeline (see §250.1001, Definitions) shall not be installed until a right-of-way has been requested and granted in accordance with this subpart.</p>	<p>This section is partially defined in the current approved notice under 250.1015</p>
250.1117	Who can be a pipeline ROW grant holder?			
	<p>(a) Entities. A pipeline ROW holder must be one of the following:</p> <p>(1) A citizen or national of the United States;</p> <p>(2) An alien lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20);</p> <p>(3) A private, public, or municipal corporation recognized by the United States</p>			<p>New section, 250.1117(b) require to submit application for P/L ROW grant to re-commission a decommissioned P/L; additional information if required; submit</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>and organized under the laws of the United States or a territory thereof, the District of Columbia, or any State; or (4) An association (including a partnership) of such citizens, nationals, resident aliens, or private, public, or municipal corporations.</p>			<p>application P/L ROW grant for new P/L; submit application for P/L ROW grant to convert existing Lease Term P/L to ROW P/L; and submit information to establish qualification file and provide updates as necessary. .1117(c) request for reconsideration for acquiring/holding P/L ROW grants. This section is partially defined in the current approved notice under 250.1016</p>
	<p>(b) Qualification file. In the pipeline ROW grant application required by § 250.1125(a), you may reference statements and records you previously submitted to an MMS OCS Region regarding incorporation, and the person(s) authorized to act on behalf of your corporation or association (see § 250.1126(b) and (c)) and to receive process and notifications. The Regional Supervisor will maintain this information in a qualification file. If you choose to establish a qualification file, you must ensure that it contains accurate and up-to-date information to avoid delays in reviewing your pipeline ROW grant application.</p>			
	<p>(c) Disqualification. The Director may disqualify you from acquiring any new pipeline ROW grants, or from holding any existing pipeline ROW grants, if your operating performance is unacceptable. The Director will give you notice and an opportunity for a review by MMS before disqualifying you.</p>			
250.1118	<p>What are the financial security requirements for holding a pipeline ROW grant?</p>			
	<p>(a) ROW grant financial security. You (the applicant) must furnish the Regional Director with a bond or other security in the sum of \$300,000 for each pipeline ROW grant you hold. This security is in addition to any security required of a lessee by 30 CFR 256, subpart I, Bonding.</p>	1011	<p>(a) When you apply for, or are the holder of, a right-of-way, you must: (1) Provide and maintain a \$300,000 bond (in addition to the bond coverage required in part 256) that guarantees</p>	<p>New section 250.1118(c)(2) requires submitting written or oral arguments for use in determining additional financial security. This section is partially defined in the current approved notice under 250.1010.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns								
			compliance with all the terms and conditions of the rights-of-way you hold in an OCS area; and									
	<p>(b) ROW grant area financial security. In lieu of providing the security required by paragraph (a) of this section, you may maintain with the Regional Director, or furnish to the Regional Director, a bond or other security in the sum of \$1 million that covers all of the pipeline ROW grants you hold in an MMS OCS Region. The following table shows MMS regions and the areas they encompass.</p> <table border="1" data-bbox="243 748 1066 971"> <thead> <tr> <th data-bbox="243 748 655 781">MMS OCS regions are . . .</th> <th data-bbox="655 748 1066 781">For OCS areas adjacent to the . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 781 655 846">(1) Alaska OCS Region (AKOCSR).</td> <td data-bbox="655 781 1066 846">State of Alaska.</td> </tr> <tr> <td data-bbox="243 846 655 911">(2) Gulf of Mexico OCS Region (GOMR).</td> <td data-bbox="655 846 1066 911">Atlantic Coast States or in the Gulf of Mexico.</td> </tr> <tr> <td data-bbox="243 911 655 971">(3) Pacific OCS Region (POCSR).</td> <td data-bbox="655 911 1066 971">States of California, Oregon, Washington, or Hawaii.</td> </tr> </tbody> </table>	MMS OCS regions are . . .	For OCS areas adjacent to the . . .	(1) Alaska OCS Region (AKOCSR).	State of Alaska.	(2) Gulf of Mexico OCS Region (GOMR).	Atlantic Coast States or in the Gulf of Mexico.	(3) Pacific OCS Region (POCSR).	States of California, Oregon, Washington, or Hawaii.	1011	<p>(b) For the purpose of this paragraph, there are three areas:</p> <p>(1) The Gulf of Mexico and the area offshore the Atlantic Coast;</p> <p>(2) The areas offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; and</p> <p>(3) The area offshore the Coast of Alaska.</p>	
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(3) Pacific OCS Region (POCSR).	States of California, Oregon, Washington, or Hawaii.											
	<p>(c) Additional financial security. The Regional Director may require you to provide additional security (<i>i.e.</i>, security above the sum of \$300,000 specified in paragraph (a) of this section, or the sum of \$1 million specified in paragraph (b) of this section).</p> <p>(1) The Regional Director will base the determination and the amount of additional security on an evaluation of your ability to carry out present and future financial obligations under the pipeline ROW grant, including your obligation to maintain and remove an accessory to the ROW pipeline.</p> <p>(2) During the evaluation, the Regional Director will give you an opportunity to submit written or oral statements.</p> <p>(3) If the Regional Director requires additional security, you may either increase the amount of your existing bond or other security, or provide a supplemental bond(s) or other security.</p>	1011	<p>(a)(2) Provide additional security if the Regional Director determines that a bond in excess of \$300,000 is needed.</p>									

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>(d) General requirements. Any bond or other security you provide under this section must:</p> <p>(1) Be submitted on Form MMS-2030 (Outer Continental Shelf (OCS) Pipeline Right-of-Way Grant Bond);</p> <p>(2) Be payable upon demand to the Regional Director;</p> <p>(3) Guarantee your compliance with the terms and conditions of the pipeline ROW grant, your obligations under the grant, the OCSLA (43 U.S.C.1331, <i>et seq.</i>), other laws, and applicable MMS regulations;</p> <p>(4) If the security is a bond, be issued by a surety that the U.S. Department of the Treasury certifies as an approved surety on Federal bonds and that is listed in the current Treasury Circular No. 570;</p> <p>(5) If the security is a bond, be executed by authorized officials representing you and the surety;</p> <p>(6) If the surety is a corporation, be signed by an authorized corporate officer and attested to with its embossed corporate seal; and</p> <p>(7) Be non-cancelable, except as provided in § 250.1120 and 250.1124.</p>			
	<p>(e) State law. If the security is a bond, the bond must continue in full force and effect even if the surety's obligation has been diminished, terminated, or canceled under State law.</p>			
250.1119	When will MMS terminate the period of liability of my financial security?			
	<p>The Regional Director will not terminate the period of liability of your bond or other security for a pipeline ROW grant except under the conditions in this section.</p>			<p>New section, 250.1119(a) require to surety or pipeline ROW holder requests termination of the period of liability. This section is partially defined in the current approved notice under 250.1012</p>
	<p>(a) If your surety requests termination of liability from the Regional Director, the Regional Director will approve the request and terminate that period of liability within 90 calendar days after receipt of the request.</p>			
	<p>(b) If you intend to maintain the pipeline ROW grant, or have not fulfilled all decommissioning or other obligations, you must provide the Regional Director with a replacement bond or other security of equivalent value.</p>			
	<p>(c) When the Regional Director terminates the period of liability of a bond or other security, the period during which obligations continue to accrue ends.</p>			

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	This termination does not relieve the surety of the responsibility for obligations and responsibilities that accrued during the period of liability and before the date of termination. The obligations and responsibilities that accrue during a period of liability also include those that began accruing before the beginning of the period of liability and have not been fulfilled.			
	(d) If the Regional Director terminates the period of liability, but the bond or other security is not cancelled, the surety that provided the bond will continue to be liable for accrued obligations until they have been fulfilled.			
250.1120	When will MMS cancel my financial security?			
	The Regional Director will cancel your bond or other security, and thus relieve the surety of accrued obligations, only if you request cancellation from the Regional Director and either:			New section, .1120(a) request bond or financial security cancellation. This section is partially defined in the current approved notice under 250.1012.
	(a) The Regional Director determines that there are no outstanding obligations; or			
	(b) You provide the Regional Director with a replacement bond or other security of equivalent value in which: (1) The new surety agrees to assume all outstanding liabilities under the bond or other security to be cancelled; and (2) The new bond or other security is in an amount equal to or greater than the bond or other security to be cancelled.			
250.1121	What happens if my financial security is reduced or lapses?			
	(a) Reduced financial security value. If the value of a required pipeline ROW grant bond or other security is reduced because of a default, or for any other reason, you must provide the Regional Director with additional coverage sufficient to meet the security required by § 250.1118(a) or (b) and, if applicable, § 250.1118(c). You must provide this additional coverage within 30 calendar days, or within a shorter period if required by the Regional Director, after the value of your security coverage is reduced.	1011	(c) If, as the result of a default, the surety on a right-of-way grant bond makes payment to the Government of any indebtedness under a grant secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.	New section, .1121(b) require to notify MMS within 72 hours when financial security has lapsed. This section is partially defined in the current approved notice under 250.1012

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			(d) After a default, a new bond in the amount of \$300,000 shall be posted within 6 months or such shorter period as the Regional Supervisor may direct. Failure to post a new bond shall be grounds for forfeiture of all grants covered by the defaulted bond.	
	(b) Lapse of financial security. If your surety is decertified by the Department of the Treasury, becomes bankrupt or insolvent, or has its charter or license suspended or revoked, your security coverage terminates immediately. In that event, you must: (1) Notify the Regional Director within 72 hours; and (2) Provide the Regional Director with a new bond or other security sufficient to meet the security required by § 250.1118(a) or (b) and, if applicable, § 250.1118(c) You must do this within 15 calendar days after your security coverage terminates, or within a shorter period if required by the Regional Director.			
250.1122	How will MMS determine that my financial security is forfeited?			
	(a) The Regional Director will pursue forfeiture of all or part of your bond(s) or other security if the Regional Director finds that either: (1) You refuse, or are unable, to comply with the terms and conditions of the pipeline ROW grant, your obligations under the grant, the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), other laws, or applicable MMS regulations; or (2) You have otherwise defaulted under any condition imposed when the Regional Director accepted the bond or other security.			New section , this section is partially defined in the current approved notice under 250.1013
	(b) The Regional Director may pursue forfeiture of your bond(s) or other security without first making demands for performance against you.			
	(c) In pursuing forfeiture of your bond(s) or other security, the Regional Director will: (1) Notify you and your surety in writing that the forfeiture process has begun,			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	<p>and include the reasons for the forfeiture and the amount to be forfeited;</p> <p>(2) Base the amount to be forfeited on an estimate of the total cost to bring your pipeline ROW grant into compliance, or to correct any default; and</p> <p>(3) Advise you and your surety in writing that you may avoid forfeiture if, within 5 working days either:</p> <p>(i) You agree to, and demonstrate that you will, bring your pipeline ROW grant into compliance or correct any default within a timeframe prescribed by the Regional Director; or</p> <p>(ii) Your surety agrees to, and demonstrates that it will, bring your pipeline ROW grant into compliance or correct any default within a timeframe prescribed by the Regional Director, even if the cost of compliance or correcting the default exceeds the amount of your bond or other security.</p>			
	<p>(d) If you or your surety refuse, or are unable, to comply with the conditions in paragraph (c)(3) of this section, the Regional Director will determine that your bond or other security is forfeited, and will:</p> <p>(1) Collect the forfeited amount;</p> <p>(2) Use the collected funds to bring your pipeline ROW grant into compliance, or to correct any default;</p> <p>(3) Initiate proceedings to recover from you all costs in excess of the amount the Regional Director collected from your forfeited bond or other security, if the collected funds are insufficient to bring your pipeline ROW grant into compliance or to correct any default; and</p> <p>(4) Return any funds collected from the forfeited bond or other security that were not used to bring your pipeline ROW grant into compliance or to correct any default.</p>			
	<p>(e) If your bond or other security is forfeited, you must furnish the Regional Director with a new bond or other security sufficient to meet the security required by § 250.1118(a) or (b) and, if applicable, § 250.1118(c). You must do this within 15 calendar days after your bond or other security was forfeited, or within a shorter period if required by the Regional Director.</p>			
250.1123	What penalties can MMS assess if my financial security is not sufficient, is reduced or lapses, or is forfeited?			
	If you fail to provide any additional security required by the Regional Director (under § 250.1118(c)), replace or provide additional coverage for a devalued			New section , this section is partially defined in the current

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
	bond or other security (under § 250.1121(a)), or replace a lapsed or forfeited bond or other security (under § 250.1121(b) or § 250.1122), then:			approved notice under 250.1013						
	(a) The Regional Director may assess penalties under 30 CFR 250, subpart N, Outer Continental Shelf (OCS) Civil Penalties;									
	(b) The Regional Supervisor may suspend the pipeline ROW grant in accordance with § 250.1135(b); and									
	(c) The Secretary may cancel the pipeline ROW grant in accordance with § 250.1137(a)(4).									
250.1124	What happens to my financial security after a pipeline ROW grant terminates?									
	When your pipeline ROW grant terminates (either by relinquishment, cancellation, forfeiture, or expiration), your surety(s) remains responsible, and the Regional Director will retain your bond or other financial security as shown in the following table:			New section , this section is partially defined in the current approved notice under 250.1013						
	<table border="1"> <thead> <tr> <th data-bbox="243 816 470 881">For . . .</th> <th data-bbox="470 816 688 881">the period of liability ends . . .</th> <th data-bbox="688 816 1066 881">and . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 881 470 1427">(a) Securities provided under § 250.1118(a) or (b)</td> <td data-bbox="470 881 688 1427">When the Regional Director determines that you have fulfilled all of your obligations under the pipeline ROW grant</td> <td data-bbox="688 881 1066 1427">(1) The Regional Director will cancel your financial security 7 years after the pipeline ROW grant terminates; 6 years after you complete all secured obligations; or at the conclusion of any appeals or litigation related to your secured obligation, whichever is the latest. (2) The Regional Director will reduce the amount or return a portion of your bond or other security if the Regional Director determines that a lesser amount is required to cover any unforeseen events under your accrued obligations.</td> </tr> </tbody> </table>	For . . .	the period of liability ends . . .		and . . .	(a) Securities provided under § 250.1118(a) or (b)	When the Regional Director determines that you have fulfilled all of your obligations under the pipeline ROW grant	(1) The Regional Director will cancel your financial security 7 years after the pipeline ROW grant terminates; 6 years after you complete all secured obligations; or at the conclusion of any appeals or litigation related to your secured obligation, whichever is the latest. (2) The Regional Director will reduce the amount or return a portion of your bond or other security if the Regional Director determines that a lesser amount is required to cover any unforeseen events under your accrued obligations.		
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(a) Securities provided under § 250.1118(a) or (b)	When the Regional Director determines that you have fulfilled all of your obligations under the pipeline ROW grant	(1) The Regional Director will cancel your financial security 7 years after the pipeline ROW grant terminates; 6 years after you complete all secured obligations; or at the conclusion of any appeals or litigation related to your secured obligation, whichever is the latest. (2) The Regional Director will reduce the amount or return a portion of your bond or other security if the Regional Director determines that a lesser amount is required to cover any unforeseen events under your accrued obligations.								

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	(b) Additional securities provided under § 250.1118(c)	When the Regional Director determines that you have fulfilled all of your obligations covered by the additional security	The Regional Director will cancel your financial security either: (1) When you meet your secured obligations; or (2) Seven years after the pipeline ROW grant terminates; if the Regional Director determines that the amount required to cover unforeseen events under your accrued obligations is greater than the amount of the security you provided under § 250.1118(a) or (b); or (3) At the conclusion of any appeals or litigation related to your secured obligation; whichever is the latest.			
250.1125	How do I submit an application for a pipeline ROW grant?					
	(a) Application. You must submit one original and two copies of an application for a pipeline ROW grant to the Regional Supervisor. You must attach the ROW grant application to the application for the associated ROW pipeline (see § 250.1007(a)), and include the information required by § 250.1126 in your ROW grant application.			1015	(a) You must submit an original and three copies of an application for a new or modified pipeline ROW grant to the Regional Supervisor. The application must address those items required by §250.1007(a) or (b) of this subpart, as applicable. It must also state the primary purpose for which you will use the ROW grant. If the ROW has been used before the application is made, the	New section , require to submit application for P/L ROW grant to re-commission a decommissioned P/L, to submit application for P/L ROW grant for new P/L; to submit application for P/L ROW grant to convert existing Lease Term P/L to ROW P/L; additional information if required. .1125(e) require to notify MMS to withdraw application for P/L ROW grant. The remaining sections are partially defined in the current approved notice under 250.1010.

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		LTL 1991	<p>application must state the date such use began, by whom, and the date the applicant obtained control of the improvement. When you file your application, you must pay the rental required under §250.1012 of this subpart, as well as the service fees listed in §250.125 of this part for a pipeline ROW grant to install a new pipeline, or to convert an existing lease term pipeline into a ROW pipeline. An application to modify an approved ROW grant must be accompanied by the additional rental required under §250.1012 if applicable. You must file a separate application for each ROW.</p> <p>Each proposed ROW pipeline shall require a separate pipeline ROW grant, and each request that proposes the installation of a structure as an appurtenance to the proposed pipeline shall include all of the information required by 250.131(b).</p> <p>Each request for a pipeline</p>	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			ROW grant shall state that it is being made pursuant to 43 U.S.C. 1334(e) and the regulations contained in 30 CFR 250, Subpart J and contain a consent to be bound by the provisions of the OCS Lands Act, as amended, and these regulations in the event the pipeline ROW is granted.	
	(b) Service fee. With each pipeline ROW grant application you submit, including an application for a pipeline ROW grant to convert an existing lease term pipeline to an ROW pipeline or an application to for an ROW grant for an existing pipeline, you must include payment of the applicable nonrefundable service fee (see § 250.125 for the amount).			
	(c) Submitting additional information. The Regional Supervisor may require your ROW grant application to include information in addition to that required by § 250.1126, if the Regional Supervisor determines that it is necessary to evaluate the application.			
	(d) Electronic submission. You may submit part or all of your pipeline ROW grant application electronically (see § 250.186(a)(3)). If you prefer to submit your pipeline ROW grant application electronically, you should consult with the Regional Supervisor for further guidance.			
	(e) Withdrawal of application. You may withdraw your pipeline ROW grant application at any time, and for any reason, by notifying the Regional Supervisor in writing.			
250.1126	What information must I include in an application for a pipeline ROW grant?			
	(a) Cover letter. You must provide a cover letter that states: (1) You are submitting the pipeline ROW grant application pursuant to section 5 of the OCSLA (43 U.S.C. 1334(e)) or section 8 of the OCSLA (43 U.S.C. 1337(p)(1)(B)) and the regulations contained in 30 CFR 250, subpart J; (2) You consent to be bound by the provisions of the OCSLA (43 U.S.C.	1010	An applicant, by accepting a right-of-way grant, agrees to comply with the following requirements: (a) The right-of-way holder	New section, .1126(c) require to submit information to establish qualification file and provide updates as necessary. The remaining sections are partially

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns										
	1331, <i>et seq.</i>) and other applicable laws, MMS regulations, and the terms and conditions of the pipeline ROW grant; (3) The purpose(s) for which you will use the pipeline ROW grant; and (4) The name, title, and signature of your authorizing official. This information must be the same as the information you provide or reference in your MMS qualification records (see § 250.1117(b)).		shall comply with applicable laws and regulations and the terms of the grant.	defined in the current approved notice under 250.1010										
	<p>(b) Qualification. You must provide information regarding your qualification to be a pipeline ROW holder as follows:</p> <table border="1" data-bbox="243 626 1066 1247"> <thead> <tr> <th data-bbox="243 626 653 659">If you are . . .</th> <th data-bbox="653 626 1066 659">You must provide . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 659 653 724">(1) An individual</td> <td data-bbox="653 659 1066 724">A statement of citizenship or nationality.</td> </tr> <tr> <td data-bbox="243 724 653 816">(2) An alien lawfully admitted for permanent residence in the United States</td> <td data-bbox="653 724 1066 816">Evidence of such status.</td> </tr> <tr> <td data-bbox="243 816 653 1092">(3) A corporation</td> <td data-bbox="653 816 1066 1092">(i) A statement certified by the Secretary or Assistant Secretary of the corporation with the corporate seal showing the State where it is incorporated; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the corporation.</td> </tr> <tr> <td data-bbox="243 1092 653 1247">(4) An association (including a partnership)</td> <td data-bbox="653 1092 1066 1247">(i) A certified copy of the articles of association; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the association.</td> </tr> </tbody> </table>	If you are . . .	You must provide . . .	(1) An individual	A statement of citizenship or nationality.	(2) An alien lawfully admitted for permanent residence in the United States	Evidence of such status.	(3) A corporation	(i) A statement certified by the Secretary or Assistant Secretary of the corporation with the corporate seal showing the State where it is incorporated; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the corporation.	(4) An association (including a partnership)	(i) A certified copy of the articles of association; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the association.	1015	<p>(b)(1) An individual applicant shall submit a statement of citizenship or nationality with the application. An applicant who is an alien lawfully admitted for permanent residence in the United States shall also submit evidence of such status with the application.</p> <p>(2) If the applicant is an association (including a partnership), the application shall also be accompanied by a certified copy of the articles of association or appropriate reference to a copy of such articles already filed with MMS and a statement as to any subsequent amendments.</p> <p>(3) If the applicant is a corporation, the application shall also include the following:</p> <p>(i) A statement certified by the Secretary or Assistant Secretary of the corporation with the corporate seal</p>	
If you are . . .	You must provide . . .													
(1) An individual	A statement of citizenship or nationality.													
(2) An alien lawfully admitted for permanent residence in the United States	Evidence of such status.													
(3) A corporation	(i) A statement certified by the Secretary or Assistant Secretary of the corporation with the corporate seal showing the State where it is incorporated; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the corporation.													
(4) An association (including a partnership)	(i) A certified copy of the articles of association; and (ii) The name(s), title(s), and signature(s) of the person(s) authorized to act on behalf of the association.													

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>showing the State in which it is incorporated and the name of the person(s) authorized to act on behalf of the corporation, or (ii) In lieu of such a statement, an appropriate reference to statements or records previously submitted to MMS (including material submitted in compliance with prior regulations).</p>	
	<p>(c) Reference to qualification records. In lieu of providing the information required by paragraphs (b)(3) and (4) of this section, you may reference statements and records you previously submitted to MMS regarding the corporation or association, and the persons authorized to act on behalf of the corporation or association (see § 250.1117(b)). If you choose this alternative, you must state that the company official who signed the cover letter has the authority to: (1) Submit the pipeline ROW grant application; (2) Bind the corporation or association to compliance with the terms and conditions of the pipeline ROW grant; and (3) Bind the corporation or association to compliance with the various statements and certifications made in your pipeline ROW grant application.</p>			
	<p>(d) Identified ROW pipeline operator. If the pipeline ROW grant holder will not be the operator of the associated pipeline, you must identify the operator and provide its MMS company number, if any.</p>	1000(c)(2)	<p>A pipeline right-of-way grant holder must identify in writing to the Regional Supervisor the operator of any pipeline located on its right-of-way, if the operator is different from the right-of-way grant holder.</p>	
	<p>(e) Bond or other financial security. You must describe your bond or other security coverage for the proposed pipeline ROW (see § 250.1118(a) or (b)).</p>			

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	(f) Additional financial security. If the Regional Director determines that you must provide additional security, you must describe such security (see § 250.1118(c)).					
	(g) Accessory footprint. If your pipeline ROW will include a site for an accessory, you must provide the size of the affected area (acres), and information that shows how you determined the size (see § 250.1130(a)(2)) and the maximum water depth.					
	(h) Payments. You must include your service fee and rental payments, made payable to the Minerals Management Service. If you pay by credit card, follow the instructions in § 250.125(b)(1). If you pay by check, your check must identify the check number, date, and name of the financial institution upon which the check is written. You must provide additional information that includes: (1) Total amount of the service fee (see § 250.125(b)); (2) Total amount of the pipeline rental, and the time period it covers (see § 250.1130(a)(1)); (3) Total amount of rental for an accessory site (if applicable), and the time period it covers (see § 250.1130(a)(2)); and (4) Total payment amount.	1015	(e) Notwithstanding the provisions of paragraph (a) of this section, the requirements to pay filing fees under that paragraph are suspended until January 3, 2006.			
250.1127	How does MMS process an application for a pipeline ROW grant?					
	(a) Compliance review. The Regional Supervisor will review your pipeline ROW grant application to ensure that it complies with the OCSLA (43 U.S.C.1331, <i>et seq.</i>), other applicable laws, and MMS regulations.			New section, 250.1127(b), (c)(2) requires amend pending P/L ROW grant application. The remaining sections are partially defined in the current approved notice under 250.1010		
	(b) Amendments. During the review of your pipeline ROW grant application, the Regional Supervisor may require you, or you may elect, to change the application.					
	(c) Decision. The Regional Supervisor will review your pipeline ROW grant application, and take one of the following actions: <table border="1" data-bbox="243 1333 1066 1425"> <tr> <td data-bbox="243 1333 432 1425">The Regional Supervisor will . . .</td> <td data-bbox="432 1333 743 1425">If . . .</td> <td data-bbox="743 1333 1066 1425">And the Regional Supervisor also . . .</td> </tr> </table>	The Regional Supervisor will . . .	If . . .	And the Regional Supervisor also . . .		
The Regional Supervisor will . . .	If . . .	And the Regional Supervisor also . . .				

Proposed Section Number	Proposed Text			Current Section Number	Current Text	Issues and Concerns
	(1) Approve your application for a pipeline ROW grant in writing	It complies with all applicable requirements	(i) Will simultaneously approve the associated pipeline (see § 250.1012(a) and, if applicable, any associated accessory (see § 250.1142(e)(1)); and (ii) May require you to meet certain conditions.			
	(2) Require you amend your application for a pipeline ROW grant	The Regional Supervisor determines that it is inconsistent with the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), applicable MMS regulations, or other Federal laws	Will notify you in writing of the decision, and describe the changes you must make to your pipeline ROW grant application to ensure it complies with all applicable requirements.			
	(3) Deny your application	(i) The application for the associated pipeline is disapproved under § 250.1012(b); (ii) You do not qualify to hold a pipeline ROW grant, or are unable to post the required bonds or other security; (iii) You do not comply with applicable requirements, and are unable to amend the application to achieve compliance; or (iv) The proposed pipeline ROW will cross any OCS	Will issue the decision to you in writing, and state the reasons for the denial.			

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns
		lands (e.g., fairways or anchorage areas) that are under the jurisdiction of another Federal agency and that agency does not consent to the pipeline ROW grant			
250.1128	When will MMS temporarily suspend or prohibit construction of an ROW pipeline?				
	The Regional Supervisor may suspend or temporarily prohibit construction operations if the Regional Supervisor determines that a significant change in conditions occurred after the Regional Supervisor granted a pipeline ROW, but before you complete construction of the associated ROW pipeline.		1000	(e)(1) The Regional Supervisor may suspend any pipeline operation upon a determination by the Regional Supervisor that continued activity would threaten or result in serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, mineral deposits, or the marine, coastal, or human environment. (2) The Regional Supervisor may also suspend pipeline operations or a right-of-way grant if the Regional Supervisor determines that the lessee or right-of-way holder has failed to comply with a provision of the Act or any other applicable law, a provision of these or other	New section , this section is partially defined in the current approved notice under 250.1010

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			applicable regulations, or a condition of a permit or right-of-way grant.	
250.1129	What must I do if the as-built location of the associated ROW pipeline deviates from the approved pipeline ROW grant?			
	The Regional Supervisor will notify you in writing if the Regional Supervisor determines that the as-built location of the associated ROW pipeline deviates from the approved pipeline ROW grant. Within 60 calendar days after the date you submitted the pipeline construction report to the Regional Supervisor (see § 250.1050(a)), you must:	1017	(b)(1) A right-of-way holder shall ensure that the right-of-way pipeline is constructed in a manner that minimizes deviations from the right-of-way as granted.	New section, 250.1129(a) & (b) require notify affected parties if as-built location of ROW P/L deviates from approved ROW P/L grant, and provide MMS evidence of notifications. .1129(c) require application to modify P/L ROW grant including exceptions/departures, notices, reports, all required information.
	(a) Notify the lessee or designated lease operator of each lease, and the pipeline ROW holder of each pipeline ROW, that is crossed or could be affected by the associated pipeline as constructed;	1017	(2) If, after constructing the right-of-way pipeline, it is determined that a deviation from the proposed right-of-way as granted has occurred, the right-of-way holder shall- (i) Notify the operators of all leases and holders of all right-of-way grants in which a deviation has occurred, and within 60 days of the date of the acceptance by the Regional Supervisor of the completion of pipeline construction report, provide the Regional Supervisor with evidence of such notification; and	

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			(ii) Relinquish any unused portion of the right-of-way.	
	(b) Provide the Regional Supervisor with evidence of such notification; and (c) Submit an application under § 250.1132(a)(3) to the Regional Supervisor for approval to modify the pipeline ROW grant.	1017	(3) Substantial deviation of a right-of-way pipeline as constructed from the proposed right-of-way as granted may be grounds for forfeiture of the right-of-way. (c) If the Regional Supervisor determines that a significant change in conditions has occurred subsequent to the granting of a right-of-way but prior to the commencement of construction of the associated pipeline, the Regional Supervisor may suspend or temporarily prohibit the commencement of construction until the right-of-way grant is modified to the extent necessary to address the changed conditions.	
250.1130	What rental fees and payment schedules apply to a pipeline ROW grant?			
	(a) <i>Rental fees.</i> For the first calendar year, or fraction thereof, that you hold a pipeline ROW grant, and for each calendar year thereafter that the grant remains in effect, you must pay MMS an annual rental as follows: (1) You must pay \$70.00 for each statute mile, or part of a statute mile, of the OCS that your pipeline ROW crosses; and (2) If you hold a pipeline ROW grant that includes a site for an accessory to your pipeline, you must pay MMS an additional annual rental according to the following table:	1012	(a) You must pay MMS an annual rental of \$15 for each statute mile, or part of a statute mile, of the OCS that your pipeline right-of-way crosses. (b) This paragraph applies to	This section is partially defined in the current approved notice under 250.1012

Proposed Section Number	Proposed Text		Current Section Number	Current Text	Issues and Concerns				
	If your accessory site is or will be located in water depths . . .	You must pay MMS an additional annual rental of . . .		<p>you if you obtain a pipeline right-of-way that includes a site for an accessory to the pipeline, including but not limited to a platform. This paragraph also applies if you apply to modify a right-of-way to change the site footprint. In either case, you must pay the amounts shown in the following table.</p> <table border="1" data-bbox="1251 716 1562 1421"> <thead> <tr> <th data-bbox="1251 716 1402 748">If...</th> <th data-bbox="1402 716 1562 748">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="1251 748 1402 1421">(1) Your accessory site is located in water depths of less than 200 meters;</td> <td data-bbox="1402 748 1562 1421">You must pay a rental of \$5 per acre per year with a minimum of \$450 per year. The area subject to annual rental includes the areal extent of anchor chains, pipeline risers, and other facilities and devices associated with the</td> </tr> </tbody> </table>	If...	Then...	(1) Your accessory site is located in water depths of less than 200 meters;	You must pay a rental of \$5 per acre per year with a minimum of \$450 per year. The area subject to annual rental includes the areal extent of anchor chains, pipeline risers, and other facilities and devices associated with the	
If...	Then...								
(1) Your accessory site is located in water depths of less than 200 meters;	You must pay a rental of \$5 per acre per year with a minimum of \$450 per year. The area subject to annual rental includes the areal extent of anchor chains, pipeline risers, and other facilities and devices associated with the								
	(i) Less than 656 feet	\$5.00 per acre, with a minimum of \$450 for use of the affected area.							
	(ii) 656 feet or greater	\$7.50 per acre, with a minimum of \$675 for use of the affected area.							

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			<p>accessory.</p> <p>(2) Your accessory site is located in water depths of 200 meters or greater;</p> <p>You must pay a rental of \$7.50 per acre per year with a minimum of \$675 per year. The area subject to annual rental includes the areal extent of anchor chains, pipeline risers, and other facilities and devices associated with the accessory.</p> <p>(c) If you hold a pipeline right-of-way that includes a site for an accessory to your pipeline and you are not covered by paragraph (b) of this section, then you must pay MMS an annual rental of \$75 for use of the affected area.</p>	

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	(b) <i>Affected area.</i> For purposes of this section, the affected area includes the areal extent of anchor chains, risers, appurtenances, and other devices associated with the accessory.			
	(c) <i>Payment schedule and deadline.</i> You may make the rental payments required by paragraph (a) of this section to MMS on an annual basis, for a 5-year period, or for multiples of 5 years. All payment periods begin on January 1. You must pay all rental fees in advance and before the beginning of the payment period.	1011	(d) You may make the rental payments required by paragraphs (a), (b)(1), (b)(2), and (c) of this section on an annual basis, for a 5-year period, or for multiples of 5 years. You must make the first payment at the time you submit the pipeline right-of-way application. You must make all subsequent payments before the respective time periods begin.	
	(d) <i>Late rental payments.</i> You will be subject to an interest charge if you do not make a rental payment by the deadline specified in paragraph (c) of this section. (1) MMS will assess interest on a late payment on unpaid and underpaid amounts from the date the amounts are due. (2) MMS will assess interest only on the amount not received. (3) MMS will assess interest only for the number of days the payment is late. (4) The interest charge on a late rental payment will be at the underpayment rate established by the Internal Revenue Service Code, 26 U.S.C. 6621(a)(2) (Supp. 1987). (5) MMS may offset an overpayment you made on the rental for a pipeline ROW grant that you hold against an underpayment you made on a different pipeline ROW grant that you hold to determine the net underpayment for which interest is due.	1011	(e) <i>Late payments.</i> An interest charge will be assessed on unpaid and underpaid amounts from the date the amounts are due, in accordance with the provisions found in 30 CFR 218.54. If you fail to make a payment that is late after written notice from MMS, MMS may initiate cancellation of the right-of-use grant and easement under 30 CFR 250.1013.	
250.1131	What are the terms and conditions for holding a pipeline ROW grant?			
	(a) <i>Compliance.</i> You must comply with the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), as amended, other applicable laws, and MMS regulations.	1010	(a) The right-of-way holder shall comply with applicable	New section , 250.1131(b) requires submitting address changes to

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns						
			laws and regulations and the terms of the grant.	update qualification file-except under 5 CAR 1320.3(h). .1131(k) require to notify MMS immediately of evidence of sabotage or subversive activity.						
	<p>(b) Address changes. You must update your qualification file (see § 250.1117(b)) within 30 calendar days after a change of address as follows:</p> <table border="1" data-bbox="243 597 1066 786"> <thead> <tr> <th data-bbox="243 597 541 630">If you are . . .</th> <th data-bbox="541 597 1066 630">You must provide . . .</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 630 541 662">(1) An individual</td> <td data-bbox="541 630 1066 662">Your change of address.</td> </tr> <tr> <td data-bbox="243 662 541 786">(2) A corporation or association</td> <td data-bbox="541 662 1066 786">Address of your principal place of business, or name and address of the officer or agent authorized to act on your behalf and to be served with process.</td> </tr> </tbody> </table>	If you are . . .	You must provide . . .	(1) An individual	Your change of address.	(2) A corporation or association	Address of your principal place of business, or name and address of the officer or agent authorized to act on your behalf and to be served with process.	1010	(d) The Regional Supervisor shall be kept informed at all times of the right-of-way holder's address and, if a corporation, the address of its principal place of business and the name and address of the officer or agent authorized to be served with process.	
If you are . . .	You must provide . . .									
(1) An individual	Your change of address.									
(2) A corporation or association	Address of your principal place of business, or name and address of the officer or agent authorized to act on your behalf and to be served with process.									
	(c) Non-interference. Your pipeline ROW grant does not allow you to prevent or interfere in any way with the management, administration, or the granting of other rights by the United States, either before or after the pipeline ROW is granted by MMS.	1010	(b) The granting of the right-of-way shall be subject to the express condition that the rights granted shall not prevent or interfere in any way with the management, administration, or the granting of other rights by the United States, either prior or subsequent to the granting of the right-of-way. Moreover, the holder agrees to allow the occupancy and use by the United States, its lessees, or other right-of-way holders, of any part of the right-of-way grant not actually occupied or necessarily incident to its use for any necessary operations							

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
			involved in the management, administration, or the enjoyment of such other granted rights.	
	(d) Occupancy and use. You must allow the occupancy and use by the United States, its lessees or designated lease operators, or other pipeline ROW holders of any part of the pipeline ROW grant not actually occupied, or necessarily incident to its use, for any necessary operations involved in the management, administration, or the enjoyment of other granted rights.			
	(e) Compensation and indemnification. You must: (1) Compensate the United States, its lessees, or other pipeline ROW holders, as the case may be, for the full value of all damages to the property of the United States or of its lessees or pipeline ROW holders; and (2) Indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the pipeline ROW grant.	1010	(e) The right-of-way holder shall pay the United States or its lessees or right-of-way holders, as the case may be, the full value of all damages to the property of the United States or its said lessees or right-of-way holders and shall indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way grant.	
	(f) Federal Energy Regulatory Commission (FERC) determination. The pipeline associated with the pipeline ROW grant must transport, or you must purchase, oil or natural gas produced from submerged lands of the OCS in the vicinity of the pipeline in such proportionate amounts as FERC may determine to be reasonable. The FERC will make this determination only after a full hearing with due notice thereof to the interested parties, taking into account, among other things, conservation and the prevention of waste.	1010	(f)(1) The holder of a right-of-way oil or gas pipeline shall transport or purchase oil or natural gas produced from submerged lands in the vicinity of the pipeline without discrimination and in such proportionate amounts as the FERC may, after a full	

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			hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste.	
	<p>(g) <i>Open and nondiscriminatory access.</i> (1) Unless otherwise exempted by FERC under section 5(f)(2) of the OCSLA (43 U.S.C. 1334(f)(2)), you must provide open and nondiscriminatory access to the associated ROW pipeline to both owner and non-owner shippers.</p> <p>(2) The express condition that ROW oil and natural gas pipelines must transport or purchase without discrimination is within MMS's delegated authority to enforce, even when those pipelines are also under FERC jurisdiction by separate authority. To the extent that the oil or natural gas pipelines are subject to FERC's jurisdiction, MMS intends to defer to FERC its authority to decide whether those pipelines have complied with the open and nondiscriminatory access requirements. For pipelines not under FERC jurisdiction, MMS will decide whether those pipelines have complied with the open and nondiscriminatory access requirements of the OCSLA. All complaints by shippers alleging that pipelines have not complied with the open and nondiscriminatory access requirements are subject to the regulations in 30 CFR part 291.</p>	1010	<p>(f)(2) Unless otherwise exempted by FERC pursuant to 43 U.S.C. 1334(f)(2), the holder shall-</p> <p>(i) Provide open and nondiscriminatory access to a right-of-way pipeline to both owner and nonowner shippers, and</p>	
	<p>(h) <i>Expansion of throughput capacity.</i> You must comply with the provisions of section 5(f)(1)(B) of the OCSLA (43 U.S.C. 1334(f)(1)(B)), under which FERC may order expansion of the throughput capacity of an associated ROW pipeline that was approved after September 18, 1978, and that is not located in the Gulf of Mexico or the Santa Barbara Channel.</p>	1010	<p>(f)(2)(ii) Comply with the provisions of 43 U.S.C. 1334(f)(1)(B) under which FERC may order an expansion of the throughput capacity of a right-of-way pipeline which is approved after September 18, 1978, and which is not located in the Gulf of Mexico or the Santa</p>	

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	(i) <i>Open for inspection.</i> You must keep the area covered by the pipeline ROW grant, and all improvements thereon, open for inspection by MMS.	1010	(g) The area covered by a right-of-way and all improvements thereon shall be kept open at all reasonable times for inspection by the Minerals Management Service (MMS). The right-of-way holder shall make available all records relative to the design, construction, operation, maintenance and repair, and investigations on or with regard to such area.	
	(j) <i>Nondiscrimination in employment.</i> You must comply fully with Executive Order 11246, section 202, paragraphs (1) through (7), as amended (reprinted in 41 CFR 60-1.4(a)), and must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin.	1015	(d) The applicant shall include in the application an original and three copies of a completed Nondiscrimination in Employment form (YN 3341-1 dated July 1982). These forms are available at each MMS regional office.	
	(k) <i>Sabotage or subversive activity.</i> You must immediately notify the Regional Supervisor, by the fastest possible means of communication, if you discover any evidence of sabotage or subversive activity involving or endangering any pipeline, accessory, vessel, aircraft, or any operation conducted under the pipeline ROW grant.			
250.1132	How do I modify a pipeline ROW grant?			
	(a) <i>Application.</i> You must submit one executed original and two copies of an application to modify a pipeline ROW grant to the Regional Supervisor for approval if you plan to: (1) Cease pipeline operations, and need to maintain the pipeline ROW grant in effect;	LTL 1991	Pursuant to 250.4(b), no modification or abandonment of a ROW pipeline may commence until an application has been	New section , 250.1132 require to submit application to modify P/L ROW grant including exceptions/departures, notices, reports, all required information,

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	(2) Change the purpose(s) for which the grant was made; (3) Change the route of the associated ROW pipeline; or (4) Establish a site for an accessory, or change the footprint of an accessory.		submitted to and approved by the Regional Supervisor, Field Operations.	etc. (currently included with P/L modification application). .1132(c) require to submit application to modify existing P/L, including exceptions/departures, notices, reports, work plan, all required information, etc.
	(b) Associated pipeline application. For those applications specified in paragraphs (a)(2), (a)(3), and (a)(4) of this section, you must attach the application to modify the pipeline ROW grant to the application to modify the associated ROW pipeline (see § 250.1093(a)).			
	(c) Application contents. Your application to modify a pipeline ROW grant must include: (1) Company name; (2) Contact name, telephone number, telefax number, and e-mail address; (3) Reason for the modification, and a description of the proposed modification to the pipeline ROW grant; (4) MMS-assigned pipeline ROW number, the segment number of the associated pipeline, and, if applicable, the name of any accessory; (5) Name, title, and signature of your authorizing official. This information must be the same as the information you provided or referenced in the MMS qualification records; (6) If you propose to cease pipeline operations: (i) Date that you stopped using the pipeline; (ii) Steps you will take to resume operations under the pipeline ROW grant; (iii) The approximate date you intend to resume operations; and (iv) Plans for maintaining the associated ROW pipeline in the interim; (7) If the modification results in additional rental (see § 250.1130), payment for the increase in the manner prescribed in § 250.1126(h); and			
	(d) MMS actions. The Regional Supervisor will review your application to modify a pipeline ROW grant, along with your application to modify the associated ROW pipeline (see § 250.1093(a)), to ensure that it complies with the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), other applicable laws, and applicable MMS regulations, and will take one of the actions prescribed in § 250.1127(c).			

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250.1133	How does temporary cessation and cessation of pipeline operations affect a pipeline ROW grant?			
	<p>(a) <i>Definitions</i>-(1) <i>Temporary cessation of pipeline operations</i> means the use of a pipeline associated with a pipeline ROW grant for a purpose other than that for which the grant was made for a period of 180 consecutive calendar days or less.</p> <p>(2) <i>Cessation of pipeline operations</i> means the use of a pipeline associated with a pipeline ROW grant for a purpose other than that for which the grant was made for a period of more than 180 consecutive calendar days. Simply maintaining pressure on the pipeline is not using the pipeline for the purpose for which the grant was made.</p>	LTL 1991	An application to maintain a ROW grant in effect shall be submitted for approval to the Regional Supervisor, Field Operations if the associated ROW pipeline will not be used for the purpose for which the ROW grant was made for a period of more than 90 consecutive days.	New section , 250.1133(c) & (d) require to submit application to modify P/L ROW grant including exceptions/departures, notices, reports, all required information, etc. (this section is partially defined in the current approved notice under 250.1014) . 1133(d)(3) require to submit request to relinquish P/L ROW grant.
	(b) Temporary cessation of pipeline operations. Temporary cessation of pipeline operations will not cause the associated pipeline ROW grant to expire.			
	(c) Cessation of pipeline operations. Cessation of pipeline operations, whether voluntary or resulting from a suspension or temporary prohibition of operations directed by MMS, will cause the associated pipeline ROW grant to expire unless the Regional Supervisor approves an application to modify the pipeline ROW grant (see § 250.1132(a)(1)) to allow for a cessation of operations for a specified time period.			
	<p>(d) Obligations. If MMS approves your application to modify the pipeline ROW grant to cease operations, you must:</p> <p>(1) Continue to pay the annual rentals required by § 250.1130(a);</p> <p>(2) Adhere to the requirements for out-of-service pipelines in § 250.1086; and</p> <p>(3) If, at any time, you determine that cessation of pipeline operations will continue for 5 years or more, or for a shorter period as specified by the Regional Supervisor, you must submit to the Regional Supervisor, within 60 days:</p> <p>(i) A request to relinquish the pipeline ROW grant (see § 250.1136(a)); and</p> <p>(ii) An application to decommission the associated pipeline (see § 250.1107 or 1108).</p>			
250.1134	How do I assign a pipeline ROW grant?			
	(a) Assignment request. You may assign a pipeline ROW grant by submitting	1018	(a) Assignment may be made	New section , 250.1134(f) request

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	<p>two originals of Form MMS-149 (Assignment of Federal OCS Pipeline Right-of-Way Grant) to the Regional Supervisor for approval. The assignment must transfer the pipeline ROW grant in its entirety and to only one assignee. Your assignment request must include:</p> <ol style="list-style-type: none"> (1) The MMS-assigned pipeline ROW number, the segment number of the associated pipeline, and, if applicable, the name of any accessory; (2) The names and MMS company numbers for both the assignor and the assignee; (3) The names and telephone numbers of the contacts for both the assignor and the assignee; (4) The names, titles, and signatures of the authorizing officials for both the assignor and the assignee; (5) Payment of a nonrefundable service fee (see § 250.125 for the amount); (6) A statement from the assignee that the assignee agrees to comply with, and to be bound by, the terms and conditions of the pipeline ROW grant; (7) The same showing of qualifications of the assignee as is required of an applicant for a pipeline ROW grant in § 250.1117; (8) A statement describing how the assignee will comply with the financial security requirements of § 250.1118; (9) The name of the identified operator, if the company that will operate the associated pipeline will not be the assignee; (10) A revised safety flow schematic that shows the new transfer point, if the assignment will result in a change of the jurisdictional transfer point of the associated pipeline; and (11) The information required by § 250.1028 and 250.1029. 		<p>of a right-of-way grant, in whole or of any lineal segment thereof, subject to the approval of the Regional Supervisor. An application for approval of an assignment of a right-of-way or of a lineal segment thereof, shall be filed in triplicate with the Regional Supervisor.</p> <p>(b) Any application for approval for an assignment, in whole or in part, of any right, title, or interest in a right-of-way grant must be accompanied by the same showing of qualifications of the assignees as is required of an applicant for a ROW in §250.1015 of this subpart and must be supported by a statement that the assignee agrees to comply with and to be bound by the terms and conditions of the ROW grant. The assignee must satisfy the bonding requirements in §250.1011 of this subpart. No transfer will be recognized unless and until it is first approved, in writing, by the Regional Supervisor. The assignee must pay the service fee listed in §250.125 of this</p>	<p>for reconsideration for acquiring/holding P/L ROW grants. .1134(g) surety or pipeline ROW holder requests termination of the period of liability. This section is partially defined in the current approved notice under 250.1015</p>

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			<p>part for a pipeline ROW assignment request.</p> <p>(c) Notwithstanding the provisions of paragraph (b) of this section, the requirement to pay a filing fee under that paragraph is suspended until January 3, 2006.</p>	
	<p>(b) Rental payments for a pipeline ROW grant pending assignment. If you have submitted a request to assign a pipeline ROW grant, you (the assignor) will be billed for the annual pipeline ROW rental payment if the payment is due (see § 250.1130(c)) and the Regional Supervisor has not yet approved the assignment. MMS will not mediate any financial disputes between an assignor and an assignee.</p>			
	<p>(c) Effective date. The assignment takes effect on the date the Regional Supervisor approves it.</p>			
	<p>(d) Assignor obligations. The assignor is liable for all obligations that accrue under a pipeline ROW grant before the date the Regional Supervisor approves the assignment. An assignment approval by MMS does not relieve the assignor of liability for accrued obligations that the assignee, or a subsequent assignee, fails to fulfill.</p>			
	<p>(e) Assignee obligations. The assignee and each subsequent assignee:</p> <p>(1) Agrees to be bound by the terms and conditions of the pipeline ROW grant; and</p> <p>(2) Is liable for all obligations that accrue under a pipeline ROW grant after the date the Regional Supervisor approves the assignment.</p>			
	<p>(f) Disqualification. The Director may disqualify you from acquiring any pipeline ROW grants by assignment if your operating performance is unacceptable. The Director will give you adequate notice, and an opportunity to have your case reviewed, before disqualification.</p>			
	<p>(g) Financial securities. After the Regional Supervisor approves an assignment of a pipeline ROW grant, you may request that the Regional Director approve a "Termination of the Period of Liability" for your pipeline ROW area bond or other security and any additional securities (see §</p>			

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	250.1119) if you: (1) No longer hold any pipeline ROW grants in an MMS OCS Region; and (2) Do not plan to become a pipeline ROW grant holder in the near future in that MMS OCS Region.			
250.1135	When may MMS suspend a pipeline ROW grant?			
	The Regional Supervisor may suspend a pipeline ROW grant if:			
	(a) The Regional Supervisor suspends or temporarily prohibits operation of the associated ROW pipeline under § 250.1091;	1000	(e)(2) The Regional Supervisor may also suspend pipeline operations or a right-of-way grant if the Regional Supervisor determines that the lessee or right-of-way holder has failed to comply with a provision of the Act or any other applicable law, a provision of these or other applicable regulations, or a condition of a permit or right-of-way grant.	This section is partially defined in the current approved notice under 250.1010
	(b) You fail to provide any additional security required by the Regional Director (see § 250.1118(c)), replace or provide additional coverage for a devalued bond or other security (see § 250.1121(a)), or replace a lapsed or forfeited bond or other security (see § 250.1121(b) and 1122) within the prescribed time period; or			
	(c) The Regional Supervisor determines that you have failed to comply with a provision of the OCSLA (43 U.S.C.1331, <i>et seq.</i>) or any other applicable law, a provision of applicable regulations, or a stipulation, term, or condition of the pipeline ROW grant.			
250.1136	How do I relinquish a pipeline ROW grant?			
	(a) Relinquishment request. You may voluntarily surrender a pipeline ROW grant, or a portion of a pipeline ROW grant, by filing one original and two copies of a relinquishment request with the Regional Supervisor for approval. You must attach the relinquishment request to the application required by § 250.1107 or 250.1108 to decommission the associated ROW pipeline and, if	1019	A right-of-way grant or a portion thereof may be surrendered by the holder by filing a written relinquishment in triplicate	New section , 250.1136(a) requires submitting application to decommission a P/L in place or by removal, including notices and certifications (this section is

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	<p>applicable, the application required by § 250.1727 to decommission an associated accessory. Your relinquishment request must include:</p> <p>(1) Company name;</p> <p>(2) Contact name, telephone number, telefax number, and e-mail address;</p> <p>(3) Reason you are requesting relinquishment of the pipeline ROW grant;</p> <p>(4) MMS-assigned pipeline ROW number, the segment number of the associated pipeline, and, if applicable, the name of any accessory;</p> <p>(5) Name, title, and signature of your authorizing official which must be the same as the information you provide or reference in your MMS qualification records;</p> <p>(6) Payment of a nonrefundable service fee (see § 250.125 for the amount); and</p> <p>(7) A statement that you will adhere to the requirements of § 250.1138(a) and (b).</p>	LTL 1991	<p>with the Regional Supervisor. It must contain those items addressed in §§250.1751 and 250.1752 of this part. A relinquishment shall take effect on the date it is filed subject to the satisfaction of all outstanding debts, fees, or fines and the requirements in §250.1010(h) of this part.</p> <p>Pursuant to 250.4(b), no modification or abandonment of a ROW pipeline may commence until an application has been submitted to and approved by the Regional Supervisor, Field Operations.</p>	<p>partially defined in the current approved notice under 250.1010). Submit request to relinquish P/L ROW grant. 250.1136(e) surety or pipeline ROW holder requests termination of the period of liability. This section is partially defined in the current approved notice under 250.1010.</p>
	<p>(b) Rental payment for a pipeline ROW grant pending relinquishment. If you have submitted a request to relinquish a pipeline ROW grant, you will be billed for the annual pipeline ROW rental payment if the payment is due (see § 250.1130(c)) and the Regional Supervisor has not yet approved the relinquishment.</p>			
	<p>(c) Delinquent payments. The Regional Supervisor will not approve your relinquishment request until you have paid all outstanding rentals and fines.</p>			
	<p>(d) Effective date. The relinquishment takes effect on the date the Regional Supervisor approves it.</p>			
	<p>(e) Financial securities. After the Regional Supervisor approves the relinquishment of a pipeline ROW grant you may request that the Regional Director approve a "Termination of the Period of Liability" for your pipeline ROW area bond or other security and any additional securities (see §</p>			

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	<p>shipper; or</p> <p>(3) There is substantial deviation of an associated ROW pipeline (as constructed) from the pipeline ROW grant, and the Regional Supervisor has not approved a modification to the pipeline ROW grant.</p> <p><i>(c) Expiration</i> A pipeline ROW grant expires if:</p> <p>(1) You do not construct the associated pipeline within 5 years after the grant was approved by the Regional Supervisor;</p> <p>(2) You ceased pipeline operations and did not obtain approval from the Regional Supervisor pursuant to § 250.1132(a)(1);</p> <p>(3) You permanently discontinue using the associated ROW pipeline for any reason; or</p> <p>(4) You cease operations for 5 years.</p>	1014	<p>Any right-of-way granted under the provisions of this subpart remains in effect as long as the associated pipeline is properly maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Temporary cessation or suspension of pipeline operations shall not cause the grant to expire. However, if the purpose of the grant ceases to exist or use of the associated pipeline is permanently discontinued for any reason, the grant shall be deemed to have expired.</p>	
250.1138	What must I do after a pipeline ROW grant terminates?			
	(a) Pipeline operation. After a pipeline ROW grant terminates, for any reason (relinquishment, cancellation, forfeiture, or expiration), you must no longer use the associated pipeline.			This section is partially defined in the current approved notice under 250.1017 and .1019
	(b) Decommissioning. Within 1 year after a pipeline ROW grant terminates, you must decommission: (1) The associated ROW pipeline in accordance with the requirements of § 250.1106 through 1109 and § 250.1111; and			

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	(2) Any associated accessory in accordance with the requirements of § 250.1725 through 1730 and § 250.1741 through 1743.			
	<p>(c) Failure to comply. If you fail to decommission the associated pipeline and any accessory within the prescribed time period:</p> <p>(1) You remain liable for decommissioning costs, and responsible for accidents or damages that might result from such failure; and</p> <p>(2) The violation may be subject to a civil penalty under 30 CFR 250, subpart N, Outer Continental Shelf (OCS) Civil Penalties.</p>			
	(d) Obligations. You remain liable for all obligations that accrued under a pipeline ROW grant before the date the pipeline ROW grant terminated.	1010	(h) Upon relinquishment, forfeiture, or cancellation of a right-of-way grant, the right-of-way holder shall remove all platforms, structures, domes over valves, pipes, taps, and valves along the right-of-way. All of these improvements shall be removed by the holder within 1 year of the effective date of the relinquishment, forfeiture, or cancellation unless this requirement is waived in writing by the Regional Supervisor. All such improvements not removed within the time provided herein shall become the property of the United States but that shall not relieve the holder of liability for the cost of their removal or for restoration of the site. Furthermore, the holder is responsible for accidents or	

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			damages which might occur as a result of failure to timely remove improvements and equipment and restore a site. An application for relinquishment of a right-of-way grant shall be filed in accordance with §250.1019 of this part.				
Accessories to Right-of-Way (ROW) Pipelines							
250.1140	What are the requirements for an accessory to an ROW pipeline?						
	(a) <i>General.</i> You must design, fabricate, install, and maintain an accessory to an ROW pipeline in accordance with the requirements of 30 CFR 250, subpart I, Platforms and Structures.			New section, 250.1140(c) requires submitting application to install, operate, and maintain an accessory to a ROW P/L, or convert existing OCS platform to an accessory.			
	(b) <i>Surface safety system.</i> You must protect personnel, the environment, and the accessory with a basic and ancillary surface safety system. You must design, analyze, install, test, operate, and maintain the surface safety system in accordance with the applicable requirements of subpart H of this part, Oil and Gas Production Safety Systems.						
	(c) <i>Existing OCS platforms.</i> If you plan to convert an existing OCS platform to an accessory, you must decommission all wells on the platform in accordance with the requirements of § 250.1715 and 250.1716 before the Regional Supervisor will approve the accessory application (see § 250.1141(a)).						
250.1141	How do I obtain approval to install, operate, and maintain an accessory?						
	(a) <i>Accessory application.</i> Before you install, operate, and maintain an accessory to a ROW pipeline, you must submit three copies of an application to the Regional Supervisor for approval. You must attach the accessory application to the application for the associated ROW pipeline. Your accessory application must include all of the following: (1) The following information, based on the type of platform: <table border="1" data-bbox="243 1393 1066 1429"> <tr> <td>For . . .</td> <td>Your application</td> <td>and . . .</td> </tr> </table>	For . . .	Your application	and . . .	NTL 2007-G09	Accessory platforms are subject to the requirements currently contained in 30 CFR 250, subpart I, Platforms and Structures, just like all other OCS structures. The regulation at 30 CFR	New section, require to submit application to install, operate, and maintain an accessory to a ROW P/L, or convert existing OCS platform to an accessory. 250.1141(a) requires submitting application to MMS to
For . . .	Your application	and . . .					

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	(i) New platforms	must include . . . the information required by § 250.905 and 912, if applicable			<p>250.900(b) requires you to submit an application and receive MMS approval of any OCS structure before you begin installation or other listed activities.</p> <p>Sufficient information to determine the air quality impacts from accessory platforms must be available so that the Minerals Management Service (MMS) Gulf of Mexico OCS Region (GOMR), pursuant to 30 CFR 250.106 and 30 CFR 250.1001(a), can ensure that unreasonable harm or damage to the marine, coastal, or human environment will be prevented and so that the MMS GOMR can adequately prepare the necessary National Environmental Policy Act documentation.</p> <p>Accordingly, pursuant to 30 CFR 250.186(a), include the following information in all applications for new and modified accessory platforms (including applications to convert lease platforms to accessory platforms), in</p>	<p>decommission decommissioned P/L. 250.1141(c) requires notifying MMS to withdraw application for accessory.</p>
	(ii) Existing platforms that are being converted for a different use	the information required by § 250.905	the results of your platform assessment in accordance with API RP 2A-WSD, section 15, Reuse (incorporated by reference as specified in § 250.198).			
	(iii) Existing platforms that are completing ongoing activity	the information required by § 250.905	the results of your platform assessment in accordance with API RP 2A-WSD, section 17, Assessment of Existing Platforms (incorporated by reference as specified in § 250.198).			
	<p>(2) The MMS-assigned pipeline ROW number and the segment number of the associated pipeline, if the accessory will be under an existing pipeline ROW grant.</p> <p>(3) The maximum anchor radius (feet) of the construction vessel you will use to install the accessory.</p> <p>(4) Information on air emission sources that includes:</p> <p>(i) The rated output (horsepower) of each tug, construction vessel, and service vessel or equipment;</p> <p>(ii) An estimate of the number of vessel or equipment trips per year;</p> <p>(iii) An estimate of the time (days) that each vessel/equipment will be within 25 miles of the accessory;</p> <p>(iv) An estimate of the number of component connections (e.g., valves, flanges) on the accessory;</p>					

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	<p>(v) The contents and capacity (gallons) of hydrocarbon storage tanks, and their average daily and annual throughput (gallons/day and gallons/year); and (vi) Documentation of any emission control technologies you will employ. (5) Information on combustion emission sources that includes: (i) The rated output (horsepower) of each emission source (e.g., crane, compressor, generator, dehydrator); (ii) The run time (hours/day and days/year) for each emission source; and (iii) The average hourly and annual throughput of gas through glycol dehydrators. (6) Information on wastes generated at the accessory that includes, as appropriate: (i) The type and general characteristic of the wastes that will be generated by operations at the accessory and released (locally) into the ocean; (ii) The amount of waste to be discharged (gallons); (iii) The average maximum discharge rates (gallons/day); (iv) A description of any waste treatment or storage; and (v) The discharge location and method for each type of discharge. (7) The safety system design and installation information required by § 250.802(e).</p>		<p>addition to the information required by 30 CFR 250.905:</p> <p>A. If the accessory platform <i>will not</i> have any combustion emission sources, provide the following in text, table, or spreadsheet format: 1. The rated output (horsepower) of each tug, construction vessel, and service vessel; 2. An estimate of the number of vessel trips per year; 3. An estimate of the time (days) that each vessel will be within 25 miles of the accessory platform; 4. An estimate of the number of component connections (e.g., valves, flanges) on the accessory platform; 5. The contents and capacity (gallons) of the hydrocarbon storage tanks, and their average daily and annual throughput (gallons/day and gallons/year); and 6. Documentation of any emission control technologies you will employ.</p> <p>B. If the accessory platform <i>will</i> have any combustion</p>	

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			<p>emission source, calculate the emissions associated with your proposed activities using the methodology, emission factors and worksheets in Form MMS-139, Air Emissions Spreadsheets for DOCD's to include</p> <ol style="list-style-type: none"> 1. The rated output (horsepower) of each tug, construction vessel, and service vessel; 2. An estimate of the number of vessel trips per year; 3. An estimate of the time (days) that each vessel will be within 25 miles of the accessory platform; 4. The rated output (horsepower) of each emission source (e.g., crane, compressor, generator, dehydrator); 5. The run time (hours/day and days/year) for each emission source identified in Item No. 4 above; 6. An estimate of the number of component connections (e.g., fittings, valves, flanges) on the accessory platform; 7. The contents and capacity (gallons) of the hydrocarbon storage tanks, and their 	

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			average daily and annual throughput (gallons/day and gallons/year); and 8. The average hourly and annual throughput of gas through glycol dehydrators.	
	(b) <i>Electronic submission.</i> You may submit part or all of your accessory application electronically (see § 250.186(a)(3)). If you prefer to submit your application electronically, you should consult with the Regional Supervisor for further guidance.			
	(c) <i>Withdrawal of application.</i> You may withdraw your accessory application, at any time, and for any reason, by notifying the Regional Supervisor in writing.			
250.1142	How does MMS process an accessory application?			
	(a) <i>Completeness review.</i> The Regional Supervisor will determine whether your accessory application is complete, and will notify you in writing of any problem or deficiency. The Regional Supervisor will not begin processing your application until it is complete.			New section, require to submit application to install, operate, and maintain an accessory to a ROW P/L, or convert existing OCS platform to an accessory. 250.1142(d),(e)(2)(i) require to amend pending application for accessory.
	(b) <i>Compliance review.</i> The Regional Supervisor will review the proposed operations described in your accessory application to ensure that they conform to the OCSLA (43 U.S.C. 1331, <i>et seq.</i>), other applicable laws, and MMS regulations.			
	(c) <i>Environmental impact evaluation.</i> The Regional Supervisor will evaluate the environmental impacts of the operations described in your accessory application, and prepare environmental documentation under NEPA (42 U.S.C. 4321, <i>et seq.</i>) and the implementing regulations (40 CFR parts 1500 through 1508).			
	(d) <i>Amendments.</i> During the review of your accessory application, the Regional Supervisor may require you, or you may elect, to change the application.			

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	<p>(e) MMS decision. The Regional Supervisor will review your accessory application and will notify you in writing of the decision. The Regional Supervisor will either:</p> <p>(1) Approve the application if it complies with all applicable requirements, and inform you of any conditions you may be required to meet; or</p> <p>(2) Disapprove the application, and inform you of the reasons for disapproval if the:</p> <p>(i) Proposed accessory operations would probably cause serious harm or damage to life (including fish or other aquatic life); property; mineral resources (in areas leased or not leased); the national security or defense; or the marine, coastal, or human environment; and you cannot amend the proposed accessory operations to avoid such condition(s); or</p> <p>(ii) Regional Supervisor has disapproved your application for a connecting ROW pipeline (see § 250.1012(b)) or denied your application for the associated pipeline ROW grant (see § 250.1127(c)(3)).</p>			
250.1143	Who do I need to notify before I install an accessory?			
	<p>(a) Military installations. Before you install an accessory in an established military warning area or water test area, you must notify the commander of the military installation that exercises jurisdiction of the area concerning the control of electromagnetic emissions and the use of vessels, equipment, and aircraft in the area.</p>			<p>New section, 250.1143(a) & (c) require commander of military installation and National Geospatial-Intelligence Agency before beginning accessory installation. 250.1143(b) requires publishing "Notice to Mariners" under USCG regulations.</p>
	<p>(b) U.S. Coast Guard (USCG). You are encouraged to notify the applicable USCG Marine Safety Office at least 30 calendar days before you conduct accessory installation operations so that a Notice to Mariners can be prepared.</p>			
	<p>(c) National Geospatial-Intelligence Agency (NGA). You must notify the NGA in Bethesda, Maryland before you begin accessory installation operations.</p>			
250.1144	What information must I submit after an accessory is installed?			
	<p>You must submit three copies of an accessory installation report to the Regional Supervisor within 45 calendar days after you complete accessory installation. The installation report must include:</p>			<p>New section, require to submit accessory installation report within 45 days to MMS.</p>

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	(a) The MMS-assigned pipeline ROW number and the segment number of the associated pipeline;			
	(b) The dates you started and concluded accessory installation operations; and			
	(c) An "as built" location plat that depicts the accessory, based on the NAD 27 for the GOMR (Gulf) and POCSR, or on the NAD 83 for the AKOCSR and GOMR (Atlantic), drawn at a minimum scale of 1 inch = 2,000 feet.			
250.1145	What accessory inspections must I conduct?			
	You must conduct structural and pollution inspections on your accessory as required by this section.			New section , 250.1145(a) requires inspecting accessory according to 250.919 and submitting annual report to MMS. 250.1145(b) requires inspecting accessory daily for pollution in accordance with 250.301, and retaining records for 2 years and making available to MMS upon request.
	<p>(a) Structural inspections. If the accessory is a platform, you must do all of the following:</p> <p>(1) Periodically inspect the platform in accordance with a comprehensive in-service inspection plan as required by § 250.919(a).</p> <p>(2) As required by § 250.919(b), submit a written report, by November 1 of each year, of the inspections that you conducted during the preceding 12 months. The report must include:</p> <p>(i) The MMS-assigned pipeline ROW number and the segment number of the associated pipeline, and the MMS complex identification number for the platform;</p> <p>(ii) The extent and area of each inspection;</p> <p>(iii) The type of inspection conducted (i.e., visual, magnetic particle, ultrasonic);</p> <p>(iv) The results of the inspection;</p> <p>(v) A discussion of the overall condition of the platform; and</p> <p>(vi) A description of any necessary repairs.</p>			
	(b) Pollution inspections. If the accessory is a compressor or booster platform, you must inspect the accessory daily in accordance with § 250.301 for			

Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns
	evidence of pollution. You must retain the inspection records for at least two years, and make them available to MMS upon request.			
250.1146	What must I do to modify an accessory?			
	Before you conduct any operations to modify an approved accessory, you must submit three copies of a modification application to the Regional Supervisor for approval. In the accessory modification application, you must include:			New section , require to submit application to modify approved accessory including exceptions/departures, notices, reports, all required information, etc.
	(a) The MMS-assigned pipeline ROW number and the segment number of the associated pipeline;			
	(b) Those items in your approved application affected by the proposed modification;			
	(c) If required by the Regional Supervisor, the step-by-step procedures you will follow to modify the accessory; and			
	(d) If the accessory is a platform, the results of your platform assessment, based on platform assessment initiators listed in sections 17.2.1 through 17.2.5 of API RP 2A-WSD (incorporated by reference as specified in § 250.198).			
250.1147	When must I decommission an accessory?			
	Within 1 year after an accessory has not been used for 5 years, or within 1 year after you determine that an accessory will not be used for 5 years or more, you must decommission the accessory (see § 250.1725 through 1730 and § 250.1740 through 1743).			New section , decommission an accessory when it has not been used for 5 years or within 1 year after determine an accessory will not be used for 5 years or more.

Panhandle Energy comprised of
Trunkline Gas Company
Sea Robin Pipeline Company
RIN 1010-AD11
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Proposed Section Number	Proposed Text	Current Section Number	Current Text	Issues and Concerns

APPENDIX D - SIDE BY SIDE OF MMS PROPOSED REGULATIONS VERSUS DOT REGULATIONS

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
General		
Sec.		
250.1000 Definitions	Definitions in 192.3	Definitions conflict
250.1001 What general performance and recordkeeping requirements apply to OCS pipelines?	Corrosion in 192 subpart I O&M in 192 subparts L and M Operator Qualification in 192 subpart N Integrity management in 192 subpart O	Requirements conflict
250.1002 What are the types of OCS pipelines?	Defined in 192.1	Inconsistent definitions
250.1003 Which departments have jurisdiction over OCS pipelines?	Defined in 192.1	
250.1004 What are the criteria for determining jurisdiction?	Defined in 192.1	
250.1005 What are the requirements regarding jurisdiction transfer points?	Defined in 192.1	
250.1006 When must I submit the applications, requests, plans and reports, and make the notifications required by this subpart?	Abandonment discussed in 192.727	Inconsistent requirements
Applications for New Pipelines		
250.1007 How do I apply for approval of a new pipeline?	FERC approval required, Section 7 Certificate	This is a FERC issue for interstate pipelines
250.1008 Where must I send copies of my pipeline applications?	N/A	
250.1009 How does MMS process a pipeline applications?	N/A	
250.1010 What conditions must my pipeline application meet?	N/A	
250.1011 What can I do if an affected State objects to my pipeline ROW application?	N/A	
250.1012 How will the Regional Supervisor notify me of the decision on my pipeline application?	N/A	
250.1013 When may be Secretary cancel approval of a pipeline application?	N/A	

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
Pipeline application Contents		
250.1014 General information	N/A	
250.1015 Other general information	FERC requirements	
250.1016 Information regarding other agencies and entities	FERC requirements	
250.1017 Location information	FERC requirements	
250.1018 Origination and termination information	FERC requirements	
250.1019 Horizontal component and appurtenances information.	N/A	
250.1020 Schematic flow diagram	Implicitly required in 192 subpart O	Conflicting
250.1021 Shallow hazards information	Markers required in 192.707	Conflicting
250.1022 Construction information	DOT covers construction requirements in Subpart's E, F, and G.	Duplicative and conflicting
250.1023 Onshore support base, terminal, support vessels, and aircraft information	N/A	
250.1024 Operation information	FERC requirements	
250.1025 Service and products information	DOT covers corrosive gases in Subpart I, H2S is a corrosive gas. DOT does not require a contingency plan, the state of Texas does.	Duplicative and conflicting
250.1026 Biological and archaeological information	National Historic Preservation Act and FERC	Duplicative and conflicting
250.1027 Requests for alternative compliance or departure	FERC requirements	Duplicative
250.1028 Oil and hazardous substance spill response information	N/A	
250.1029 Oil Spill Financial Responsibility (OSFR) demonstration information	N/A	
250.1030 Environmental Impact Analysis (EIA) information	FERC requirement	Duplicative
Pipeline Design		
250.1031 What are the general requirements for designing a pipeline?	DOT covers design of pipelines in 192 Subparts B, C, and D.	Duplicative and conflicting
250.1032 What must I do to avoid or mitigate hazards?	DOT covers the design of pipelines in 192 Subparts B, C, and D.	Duplicative and conflicting
250.1033 What are the design requirements for horizontal components and risers?	DOT covers the design of pipelines in 192 Subparts B, C, and D.	Duplicative and conflicting

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
250.1034 What are the design requirements for appurtenances?	DOT covers the design of pipelines in 192 Subparts B, C, and D.	Duplicative and conflicting
250.1035 What are the design requirements for sour service?	DOT covers the design of pipelines in 192 Subparts B, C, D and I which deals with internal corrosion.	Duplicative and conflicting
250.1036 When must I sectionalize a pipeline?	DOT covers the design of pipelines in 192 Subparts B, C, and D. 192.719 covers the spacing of valves and specific requirements for offshore valves.	Duplicative and conflicting
Pipeline Fabrication		
250.1038 What are the general requirements for fabricating a pipeline?	DOT covers the design of pipelines in 192 Subparts B, C, and D.	Duplicative and conflicting
Pipeline Construction		
250.1040 What are the general requirements for constructing a pipeline?	DOT covers construction requirements in 192 Subpart's E, F, and G.	Duplicative and conflicting
250.1041 Who must I notify before I begin construction?		
250.1042 What must I do to avoid or mitigate hazards during construction?		
250.1043 What must I do to install a hot tap?	DOT covers construction requirements in 192 Subpart's E, F, and G. In addition 192.151 and 192.627 states specific requirements for hot taps.	Duplicative and conflicting
250.1044 What must I do to protect a horizontal component?	N/A	
250.1045 What must I do to protect a riser?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
250.1046 What must I do to protect an appurtenance and crossing?	DOT covers construction requirements in 192 Subparts E, F and G. In addition, 192.327 specifies cover requirements and 192.612 specifies additional requirements for reburial.	Duplicative and conflicting
250.1047 What must I do to construct a pipeline in or near a designated use area?	This may be covered by FERC	
250.1048 What must I do to construct a pipeline in or near a sensitive biological feature or area?	This may be covered by FERC	
250.1049 What must I do to construct a pipeline in or near an archaeological resource?	This may be covered by FERC	
250.1050 When must I prepare and implement an H2S	N/A	

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
contingency plan for construction?		
250.1051 What information must I submit after construction is completed?	DOT does not require submission of any reports after construction. Operators are required to maintain records for the life of the facility. Records are available for review by DOT inspectors.	Duplicative requirements and records
Pipeline Risers Connected to Floating Platforms		
250.1052 What are the requirements for pipeline risers connected to floating platforms?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
250.1053 What are the requirements for pipeline riser verification plans?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
250.1054 What must the CVA do to verify pipeline riser design?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
250.1055 What must the CVA do to verify pipeline riser fabrications?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
250.1056 What must the CVA do to verify pipeline riser installation?	DOT covers construction requirements in 192 Subparts E, F and G. Design of risers and platform piping is covered specifically in 192.111.	Duplicative and conflicting
Pipeline Pressure Testing		
250.1057 What are the general requirements for pressure testing a pipeline?	DOT requires pressure and leak testing of pipelines in 192 Subpart J.	Duplicative and conflicting
250.1058 What are the requirements for conducting a hydrostatic pressure test for a pipeline?	DOT requires pressure and leak testing of pipelines in 192 Subpart J.	Duplicative and conflicting
250.1059 What are the requirements for leak testing a pipeline?	DOT requires pressure and leak testing of pipelines in 192 Subpart J.	Duplicative and conflicting
250.1060 When must I perform a pressure test on a pipeline?	DOT requires records of pressure testing in 192 Subpart J. These records can be reviewed by inspectors. Records are kept for the life of the facility.	Duplicative and conflicting
250.1061 What information must I include in a pressure test report?	DOT requires records of pressure testing in 192 Subpart J. These records can be reviewed by inspectors. Records are kept for the life of the facility.	Duplicative and conflicting
Pipeline Safety Equipment		

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
250.1062 What are the general requirements for pipeline safety equipment?	DOT requires over pressure protection of pipelines in 192.195, 192.199, and 192.201.	Duplicative and conflicting
250.1063 What are the safety equipment requirements for a departing pipeline?	DOT requires operators to keep records but does not specify location	Duplicative and conflicting
250.1064 What are the safety equipment requirements for an incoming pipeline?	DOT requires over pressure protection of pipelines in 192.195, 192.199, and 192.201.	Duplicative and conflicting
250.1065 What are the safety equipment requirements for a crossing pipeline?	DOT requires over pressure protection of pipelines in 192.195, 192.199, and 192.201.	Duplicative and conflicting
250.1066 What are the safety equipment requirements for a bi-directional pipeline?	DOT requires over pressure protection of pipelines in 192.195, 192.199, and 192.201.	Duplicative and conflicting
250.1067 When must I provide redundant safety equipment?	DOT requires over pressure protection of pipelines in 192.195, 192.199, and 192.201.	Duplicative and conflicting
250.1068 What are the safety equipment requirements for a pipeline pump?	N/A	Liquid pipeline only
250.1069 What must I do if safety equipment fails to operate as intended?	DOT in 192.605 requires procedures for abnormal operations. This includes remediation of abnormal conditions. This also includes preparing safety related condition reports.	Duplicative and conflicting
Pipeline Leak Detection		
250.1071 When do I need to use a leak detection system?	DOT covers leaks detection in 192 Subpart M	Duplicative and conflicting
Pipeline Internal Corrosion Control and Flow Assurance		
250.1074 What are the general requirements for internal corrosion control?	DOT requirements for internal corrosion control are covered in 192 Subpart I. DOT has recently enacted new requirements for the design of internal corrosion control for new pipelines.	Duplicative and conflicting
250.1075 What are the general requirements for flow assurance?	DOT requires reporting of increase or decrease in flow rate outside of normal operating limits in 192.605, abnormal operations procedures.	Duplicative and conflicting
Pipeline Operations and Maintenance		
250.1078 What are the general requirements for operating and maintaining a pipeline?	DOT covers operations and maintenance in 192 Subparts I, L, and M.	Duplicative and conflicting
250.1079 What written procedures must I establish before I operate an OCS pipeline?	DOT requires the development of operations and maintenance procedures in 192 Subpart L and specifically in 192.605. DOT covers integrity management plans in	Duplicative and conflicting. DOT exempts offshore from integrity management requirements due to no population. Costs will be determined. Costs could be as high as \$6

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
	Subpart O. DOT covers personnel qualification in Subpart N. These documents are reviewed by DOT inspectors at the operator's site.	billion based on costs for onshore integrity management program.
250.1080 When must I mark the MMS-assigned pipeline segment number on a pipeline?	DOT covers marking of facilities in 192.10 for the OCS pipeline operations.	Duplicative and conflicting
250.1081 How do I determine the MAOP of a pipeline?	DOT requires MAOP determination in 192.619.	Duplicative and conflicting
250.1082 What must I do if the pipeline transports H2S?	DOT covers transportation of corrosive gas in 192 Subpart I.	Duplicative and conflicting
250.1083 What are the requirements for conducting remote operations during a platform evacuation?	DOT covers abnormal operations and emergency operations in 192 Subpart L	Conflicting, unclear
250.1084 What are the requirements for testing pipeline safety equipment?	DOT covers testing and inspection in 192 Subparts L and M.	Duplicative and conflicting
250.1085 What must I do when safety equipment is removed from service?	DOT covers testing and inspection in 192 Subparts L and M.	Duplicative and conflicting
250.1086 What must I do when a pipeline is taken out of service?	DOT specifies record retention in several paragraphs of their regulations. It does not specify the location where records are to be retained. Records are available to inspectors. 192.709 covers operations and maintenance records.	Duplicative and conflicting
250.1087 What must I do if a pipeline is shut in?	DOT covers leak surveys for all pipelines as specified in 192.706	Duplicative and conflicting
250.1088 What must I do if a pipeline leaks?	DOT covers Repair of pipelines in 192.711, 192.713, 192.715 and 192.717. Leaks are reported annually as specified in 191.17. Incidents are reported immediately as specified in 191.5.	Duplicative and conflicting
250.1089 What must I do if I need to flare or vent gas from a pipeline?	DOT requires procedures in 192 Subpart O	Duplicative and conflicting
250.1090 When must I provide impact protection for existing risers?	DOT requires procedures for damage prevention in 192 Subpart O	Duplicative and conflicting
250.1091 When will MMS suspend or temporarily prohibit pipeline operations?	N/A	
Pipeline Modifications and Repairs		
250.1093 What must I do to modify an approved pipeline?	N/A	
250.1094 What are the general requirements for repairing	DOT covers pipeline repair in 192 Subpart M.	Duplicative and conflicting

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
a pipeline?		
250.1095 What must I do to commence and complete a repair?	Repairs are performed in accordance with the procedures required by 192.605.	Duplicative and conflicting
250.1096 What must I do to repair a pipeline using a clamp?	DOT covers pipeline repair in 192 Subpart M.	Duplicative and conflicting
250.1097 When do I need to submit a corrective action plan and report?	DOT covers pipeline repair in 192 Subpart M.	Duplicative and conflicting
Pipeline Surveying, Monitoring, and Inspection		Duplicative and conflicting
250.1100 What are the general requirements for surveying, monitoring, and inspecting a pipeline?	DOT covers pipeline monitoring, patrolling and surveillance in 192 Subpart M.	Duplicative and conflicting
250.1101 What must I do to survey and monitor a pipeline or route?	DOT covers pipeline monitoring, patrolling and surveillance in 192 Subpart M.	Duplicative and conflicting
250.1102 What inspections are required for my pipeline or route?	DOT covers inspection of risers for corrosion in Subpart I. Inspection for damage is covered in 192 Subpart M.	Duplicative and conflicting
250.1103 What additional inspections or surveys may the Regional Supervisor require?	DOT covers pipeline monitoring, patrolling and surveillance in 192 Subpart M.	Duplicative and conflicting
Pipeline Decommissioning		
250.1105 When do I accrue pipeline decommissioning obligations?	N/A	
250.1106 When must I decommission a pipeline?	N/A	
250.1107 What must I do to decommission a pipeline in place?	N/A	
250.1108 What must I do to decommission a pipeline by removal?	N/A	
250.1109 How do I obtain approval to decommission a pipeline?	N/A	
250.1110 How does MMS process decommissioning application?	N/A	
250.1111 After I decommission a pipeline, what information must I submit?	N/A	
250.1112 When must I remove a pipeline decommissioned in place?	DOT covers abandonment of pipelines in 192.727.	Impact and cost unknown
250.1113 What are the requirements for re-commissioning a decommissioned pipelined	DOT covers conversion to service in 192.14.	Impact and cost unknown
Pipeline Right-of-Way (ROW) Grants	N/A	

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
250.1115 What is a pipeline ROW grant?	N/A	
250.1116 When just I obtain a pipeline ROW grant?	N/A	
250.1117 Who can be a pipeline ROW grant holder?	N/A	
250.1118 What are the financial security requirements for holding a pipeline ROW grant?	N/A	
250.1119 When will MMS terminate the period of liability of my financial security?	N/A	
250.1120 When will MMS cancel my financial security?	N/A	
250.1121 What happens if my financial security is reduced or lapses?	N/A	
250.1122 How will MMS determine that my financial security is forfeited?	N/A	
250.1123 What penalties can MMS assess if my financial security is not sufficient, is reduced or lapses, or is forfeited?	N/A	
250.1124 What happens to my financial security after a pipeline ROW grant terminates?	N/A	
250.1125 How do I submit an application for a pipeline ROW grant?	N/A	
250.1126 What information must I include in an application for a pipeline ROW grant?	N/A	
250.1127 How does MMS process an application for a pipeline ROW grant?	N/A	
250.1128 When will MMS temporarily suspend or prohibit construction of an ROW pipeline?	N/A	
250.1129 What must I do if the as-built location of the associated ROW pipeline deviates from the approved pipeline ROW grant?	N/A	
250.1130 What rental fees and payment schedules apply to a pipeline ROW grant?	N/A	
250.1131 What are the terms and conditions for holding a pipeline ROW grant?	N/A	
250.1132 How do I modify a pipeline ROW grant?	N/A	
250.1133 How does temporary cessation and cessation of pipeline operations affect a pipeline ROW grant?	N/A	

Proposed Rules (10/3/07) Revise to read as follows	DOT Counterpart	Issues
250.1134 How do I assign a pipeline ROW grant?	N/A	
250.1135 When may MMS suspend a pipeline ROW grant?	N/A	
250.1136 How do I relinquish a pipeline ROW grant?	N/A	
250.1137 When will a pipeline ROW grant be cancelled, be forfeited, or expire?	N/A	
250.1138 What must I do after a pipeline ROW grant terminates?	N/A	
Accessories to Right-of-Way (ROW) Pipelines		
250.1140 What are the requirements for an accessory to an ROW pipeline	N/A	
250.1141 How do I obtain approval to install, operate, and maintain an accessory?	N/A	
250.1142 How does MMS process an accessory applications?	N/A	
250.1143 Who do I need to notify before I install an accessory?	N/A	
250.1144 What information must I submit after an accessory is installed?	N/A	
250.1145 What accessory inspections must I conduct?	N/A	
250.1146 What must I do to modify an accessory?	N/A	
250.1147 When must I decommission an accessory?	N/A	
Part 253	N/A	
Part 254	N/A	
Part 256	N/A	

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